

19:27A-1

LEGISLATIVE HISTORY CHECKLIST
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(Recall of Governor or Legislator--establish procedure)

NJSA: 19:27A-1

LAWS OF: 1995 **CHAPTER:** 105

BILL NO: A25/A1207

SPONSOR(S): Haytaian and LoBiondo

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** State Government
SENATE: State Government

AMENDED DURING PASSAGE: Yes Assembly Committee substitute
(4R) enacted

DATE OF PASSAGE: **ASSEMBLY:** June 27, 1994
SENATE: March 2, 1995

DATE OF APPROVAL: May 17, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: Yes

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:
"N.J. voters finally have the last word," 5-19-95, Asbury Park Press.
"This time, Whitman signs recall legislation in State law," 5-19-95,
Philadelphia Inquirer.
~~"Recall measure signed into law," 5-19-95, Atlantic City Press.~~

974.90 New Jersey. Legislature. Assembly. State Government Committee.
E38 Public hearing...recall on ACR 6 and ACR 118 of 1990, held
1992a 7-20-92, Trenton, 1992.

974.90 New Jersey. Senate. State Government Committee.
E38 Public hearing on SCR 51 to provide for recall election
1992b held 6-15-92, Trenton, 1992.

KBG:pp

[FOURTH REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 25 and 1207

STATE OF NEW JERSEY

ADOPTED JUNE 9, 1994

Sponsored by Assemblymen HAYTAIAN and LOBIONDO

1 AN ACT concerning the recall of elected officials³[.] and³
2 supplementing Title 19 of the Revised Statutes³[, and repealing
3 various parts of the statutory law]³.

4

5 BE IT ENACTED *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7 1. This act shall be known and may be cited as the "Uniform
8 Recall Election Law."

9 2. Pursuant to Article I, paragraph 2b. of the New Jersey
10 Constitution, the people of this State shall have the power to
11 recall, after at least one year of service in the person's current
12 term of office, any United States Senator or Representative
13 elected from this State or any State or local elected official in
14 the manner provided herein.

15 3. As used in this act:

16 "circulator" means an individual, whether paid or unpaid, who
17 solicits signatures for a recall petition;

18 "elected official" means any person holding the office of
19 United States Senator or member of the United States House of
20 Representatives elected from this State, or any person holding a
21 State or local government office which, under the State
22 Constitution or by law, is filled by the registered voters of a
23 jurisdiction at an election, including a person appointed, selected
24 or otherwise designated to fill a vacancy in such office, but does
25 not mean an official of a political party;

26 "jurisdiction" means the electoral jurisdiction, including but
27 not limited to the State, or any county or municipality thereof,
28 within which the voters reside who are qualified to vote for an
29 elected official who is sought to be recalled;

30 "notice of intention" means the notice filed with the recall
31 election official by a recall committee for the purpose of
32 initiating a recall effort;

33 "recall committee" means a committee formed by persons
34 sponsoring the recall of an elected official which represents the
35 sponsors and signers of a recall petition in matters relating to the
36 recall effort;

37 "recall election" means an election held for the purpose of
38 allowing the voters of a jurisdiction to decide whether an elected

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SSG committee amendments adopted October 17, 1994.

² Senate floor amendments adopted October 27, 1994.

³ Senate floor amendments adopted February 9, 1995.

⁴ Assembly amendments adopted in accordance with Governor's
recommendations May 1, 1995.

1 official shall be recalled from office:

2 "recall election official" means the official authorized by law
3 to receive nominating petitions for an elective office, except
4 that with respect to the recall of the county clerk, it means the
5 Secretary of State;

6 "recall petition" means a petition prepared and circulated by a
7 recall committee as provided by this act for the purpose of
8 gathering a sufficient number of valid signatures of registered
9 voters to cause a recall election to be called; and

10 "sponsors" means the proponents of a recall effort who
11 establish a recall committee.

12 4. a. An elected official shall be recalled from office upon the
13 affirmative vote of a majority of those voting on the question of
14 recall at a recall election which shall have been held after the
15 officeholder shall have served one year of the term of office
16 from which the person is sought to be recalled. A person serving
17 to fill a vacancy in the term of an elective office shall be subject
18 to recall at such an election after one year of such service. No
19 election to recall an elected official shall be held ²[at an election
20 to fill the office held by that official for a new term.] after the
21 date occurring six months prior to the general election or regular
22 election for that office, as appropriate, in the final year of the
23 official's term².

24 No statement of reasons or grounds for the holding of a recall
25 election or for the recall at such an election of an elected
26 official shall be required in connection with the preparation or
27 circulation of a recall petition, with the transmittal of any notice
28 required under the provisions of this act, with the submission to
29 the voters of the question of the recall of an elected official, or
30 with any other action or procedure relating to such a recall, and
31 to the extent that any such statement of reasons or grounds is
32 offered by the sponsors of a recall petition or by any other
33 person, the sufficiency of that statement shall be a political
34 rather than a judicial question.

35 b. The procedures established in this act to initiate the calling
36 of a recall election may be commenced not earlier than the 50th
37 day preceding the completion of the first year of the term of
38 office by the official sought to be recalled. In the case of an
39 official serving to fill a vacancy in the term of an elective office,
40 the procedures established in this act to initiate the calling of a
41 recall election may be commenced not earlier than the 50th day
42 preceding the completion of the first year of such service.
43 However, the recall election itself shall not be held until after
44 the official has completed one year of such term or service, as
45 appropriate.

46 5. A recall petition demanding that an election be held for the
47 purpose of deciding whether an elected official shall be recalled
48 from office shall be signed by a number of registered voters of
49 the jurisdiction of the official sought to be recalled equal to at
50 least 25% of the persons registered to vote in that jurisdiction on
51 the date of the general election preceding the date on which the
52 sponsors of the petition file a notice of intention pursuant to
53 section 6 of this act. A recall petition shall be filed with the
54 appropriate recall election official. No recall petition shall

1 demand the holding of an election to recall more than one elected
2 official.

3 6. Prior to collecting any signatures, the sponsors of a recall
4 petition shall file a notice of intention with the appropriate recall
5 election official. The notice of intention shall contain the
6 following information:

7 a. the name and office of the elected official sought to be
8 recalled:

9 b. the name and business or residence address of ³[between
10 five and 15] at least three³ sponsors of the recall petition who
11 shall constitute a recall committee which shall represent the
12 sponsors and signers of the recall petition in matters relating to
13 the recall effort, provided that no recall committee shall sponsor
14 the recall of more than one officeholder ⁴and, if a recall effort
15 fails at the ballot, the sponsoring recall committee and the
16 members thereof shall not again sponsor, nor shall the recall
17 committee again finance, an effort to recall the targeted
18 officeholder during the same term of office in which the failed
19 recall effort was attempted⁴:

20 c. ³the name of the recall committee, which shall be
21 expressed in the following form: "COMMITTEE TO RECALL
22 [name of the official sought to be recalled] FROM THE OFFICE
23 OF [name of the office]";

24 d. ³a statement certified by each member of the recall
25 committee that the member is registered to vote in the
26 jurisdiction of the official sought to be recalled and that the
27 member supports the recall of the named official and accepts the
28 responsibilities associated with serving on the recall committee:
29 ¹[and]¹

30 ³[d.] e. ³at the option of the recall committee, a statement,
31 not in excess of 200 words, of the reasons for the recall ¹; and

32 ³[e.] f. ³a statement as to whether the recall election shall be
33 held at the next general election or regular election, as
34 appropriate, or at a special election, as provided in section 13 of
35 this act¹.

36 7. a. Upon receiving a notice of intention, the recall election
37 official shall review it for compliance with the provisions of
38 section 6 of this act. If the notice of intention is found to be in
39 compliance, the recall election official shall imprint on the face
40 of that notice a statement of the official's approval thereof,
41 which statement shall identify the public office held by the
42 official and include the signature of the official and the date on
43 which the approval was given, and shall, within three business
44 days of receiving the notice, return a certified copy of the
45 approved notice to the recall committee. ³If the recall
46 committee has requested that the recall election be held at a
47 special election, the recall election official shall also prepare,
48 within that same three-day period, an estimate of the cost of
49 conducting the recall election which shall be added to the notice
50 of intention and printed on the first page of each section of the
51 petition as required by section 8 of this act.³ The official shall
52 retain, and shall hold available for public inspection and copying,
53 the original notice so approved for a period of not less than five
54 years from the date of such approval. If the notice of intention is

1 found not to be in compliance, the recall election official shall,
2 within that period of three business days, return the notice,
3 together with a written statement indicating the reasons for that
4 finding, to the recall committee, which shall have the opportunity
5 to file a corrected notice of intention.

6 b. Within five business days of approving a notice of intention,
7 the recall election official shall serve a copy of the approved
8 notice of intention on the official sought to be recalled by
9 personal delivery or certified mail, and within two weeks of
10 approving the notice of intention shall cause a copy thereof to be
11 printed in a newspaper published in the jurisdiction or, if none
12 exists, in a newspaper generally circulated within the jurisdiction,
13 and affix to the approved notice of intention previously filed an
14 affidavit of the time and manner of service and proof of
15 publication. ³The copy of the notice of intention which is
16 published shall be abbreviated to include information on only
17 three members of the recall committee who shall be designated
18 for that purpose by the committee.³ The recall election official
19 shall retain on file the affidavit and proof for so long as the
20 approved notice of intention is retained.

21 c. Within five business days of being served with a notice of
22 intention, the official sought to be recalled may file an answer to
23 the proposed recall, not to exceed 200 words, with the recall
24 election official ³[. An official may file an answer regardless of
25 whether or not] if³ the notice of intention contained a statement
26 of the reasons for the recall. An answer shall be used solely to
27 provide information to the voters ³and shall be printed on the
28 first page of each section of the petition in the manner provided
29 by section 8 of this act. If the notice of intention did not contain
30 a statement of the reasons for the recall or the official sought to
31 be recalled chooses not to file an answer, that official shall
32 instead provide the recall election official with a written
33 acknowledgement of receipt of a copy of the notice of intention³
34 . Within two business days of the filing of such an answer ³or
35 acknowledgement³ . the recall election official shall by personal
36 delivery or certified mail serve a copy of that answer ³[to the
37 proposed recall] or acknowledgement³ on the recall committee.
38 If no such answer ³or acknowledgement³ is filed within the period
39 of time allowed therefor, the recall election official, within two
40 business days of the expiration of that time period, shall by
41 personal delivery or certified mail transmit to the recall
42 committee a signed statement in writing that no such answer ³or
43 acknowledgement³ was timely filed with the recall election
44 official.

45 8. a. No signature appearing on any document other than a
46 recall petition prepared in accordance with the provisions of this
47 section shall be counted among the signatures required under
48 section 5 of this act to determine whether a recall election shall
49 be held.

50 b. A recall petition shall be prepared by the recall committee
51 in accordance with a format, consistent with the provisions of
52 this act, which shall have been approved for such purpose by the
53 Secretary of State. A petition may consist of any number of
54 separate sections which shall be identical except with respect to

1 information required to be entered thereon by the signers and
2 circulators ³[and the name of the county in which all signers of
3 that petition section are registered] and as otherwise provided
4 herein³. ²[Each section shall consist of a sheet of white paper 28
5 inches in length and 8½ inches in width; this sheet shall be folded
6 in half widthwise to create four separate pages, each page
7 measuring 14 inches from top to bottom and 8½ inches from side
8 to side and upon which signatures shall be entered.]² ³The size of
9 the paper used in a recall petition and the number of pages
10 included in each section thereof shall be determined by the recall
11 committee. The back and the front of a piece of paper shall each
12 constitute a page and signatures may be affixed to each such
13 page.³

14 c. Each page of ³each section of³ a recall petition ³shall be
15 sequentially numbered and³ shall include, printed in bold letters
16 in at least 10-point type, the heading "PETITION FOR THE
17 RECALL OF [name of the official sought to be recalled] FROM
18 THE OFFICE OF [name of the office]" ³[.]³ and ³, where
19 appropriate, the information required by subsection e. of this
20 section. The first page of each section also³ shall bear, in type
21 of uniform size but not less than 8-point type, (1) the information
22 contained in the notice of intention, including ³any cost estimate
23 prepared and³ the statement of the reasons for the recall, if one
24 was provided, or a declaration that no such statement of reasons
25 was provided ³, except that information on only three members
26 of the recall committee need be listed³; and (2) a copy of the
27 answer provided by the official sought to be recalled, if one was
28 provided, or a declaration that no such answer was provided ³,
29 except that no such answer or declaration shall be included if a
30 statement of the reasons for the recall was not provided³.

31 d. Each page of a recall petition shall be arranged so that each
32 signer of the petition shall personally affix the signer's signature;
33 printed name and residence address, including street and number,
34 or a designation of residence which is adequate to readily
35 determine location; the municipality of residence; and the date
36 on which the signer signed the petition. A space at least one inch
37 wide shall be left blank after each name for use ³[by the
38 authorized recall official]³ in verifying signatures ³when
39 appropriate, as provided by this act. A box shall be provided
40 after each name for the signer to indicate that the signer has had
41 the opportunity to review the information on the first page of
42 that section of the petition³.

43 e. ³[At the top of each page of every section of a recall
44 petition, there shall be printed, in not less than 16-point type, the
45 name of the county of residence of the signers to that section.
46 The same county name shall appear at the top of all four pages of
47 any section of the petition. Whenever the jurisdiction of the
48 elected official sought to be recalled is situated in more than one
49 county, separate sections of the petition shall be prepared for use
50 by signers registered to vote in each county. A signer shall not
51 affix the signer's signature to any page of any section of a recall
52 petition other than a page bearing the name of the county in
53 which the signer is registered to vote. A section shall bear on
54 each page thereof the statement, "Only persons residing

1 in _____ (name of county) County shall sign this page." This
2 statement shall be printed in at least 10-point type, except that
3 the name of the county shall be printed in not less than 16-point
4 type.] (1) Whenever the official sought to be recalled is the
5 Governor or a United States Senator, separate sections of the
6 petition shall be prepared for use by signers registered to vote in
7 each county. Each page of a section shall bear in not less than
8 10-point type the name of the county in which that section is to
9 be used and the statement, "Only eligible persons residing
10 in _____ (name of county) County shall sign this page." A
11 signer shall not affix the signer's signature to any page of any
12 section unless it bears the name of the county in which the signer
13 is registered to vote.

14 (2) Whenever the official sought to be recalled is a member of
15 the Legislature or a member of the United States House of
16 Representatives and the official's jurisdiction includes parts of
17 more than one county, separate sections of the petition shall be
18 prepared for use by signers registered to vote in each county
19 included within the member's jurisdiction. Each page of a
20 section shall bear in not less than 10-point type the name of the
21 county in which that section is to be used and the statement,
22 "Only eligible persons residing in (name of county) County shall
23 sign this page." A signer shall not affix the signer's signature to
24 any page of any section unless it bears the name of the county in
25 which the signer is registered to vote.

26 (3)³ The signature of any person to a page of a recall petition
27 bearing the name of a county in which the person is not
28 registered to vote shall be invalid, but the invalidity of such a
29 signature shall not invalidate or otherwise impair the section
30 wherein or page whereon that signature appears, nor shall it
31 invalidate or otherwise impair any other signature to that or any
32 other section of the petition.

33 f. Prior to use, the sections of a recall petition shall be
34 reviewed by the recall election official for compliance with the
35 provisions of this act. The recall election official shall complete
36 the review of the petition within three business days of receipt.
37 No section of a recall petition shall be used to solicit signatures
38 unless it has been so approved and a statement of such approval,
39 signed by the recall election official, has been printed on the first
40 page of that section.

41 g. No obstruction shall be placed over any portion of a page of
42 a petition section at the time that page is presented to a voter to
43 be signed.

44 h. Every member of a recall committee circulating a recall
45 petition and every circulator of that petition shall sign the
46 petition. If any member of the committee shall fail to sign the
47 petition, the petition shall be deemed void. In the event that the
48 signature to the petition of a member of the recall committee
49 shall be deemed invalid, then notwithstanding the provisions of
50 subsection e. of this section, the petition shall be deemed void.

51 i. If a solicitation for signatures to a recall petition is
52 presented to prospective petition signers by a paid print
53 advertisement or paid mailing, or if a recall petition is presented
54 to such a prospective signer by a paid circulator, the solicitation

1 or petition, respectively, shall disclose prominently in a
2 statement printed in at least 10-point type (1) the identity of the
3 person paying for the printed or personal solicitation, and (2) that
4 the circulator is paid. The ¹[Attorney General] Election Law
5 Enforcement Commission¹ shall promulgate such rules and
6 regulations as are necessary to implement the provisions and
7 effectuate the purposes of this subsection.

8 j. No person who is ineligible to sign a recall petition shall,
9 with knowledge of that ineligibility, sign such a petition. No
10 person shall offer to pay or pay another to sign or to refrain from
11 signing a recall petition or to vote or to refrain from voting in a
12 recall election. A person who violates any of the foregoing
13 provisions of this subsection is guilty of a crime of the fourth
14 degree.

15 9. a. No person shall act as the circulator of a petition who is
16 not a registered voter in the jurisdiction from which the official
17 sought to be recalled was elected.

18 b. Each completed page of any section of a recall petition
19 which is filed with the recall election official shall include at the
20 bottom of that page an affidavit signed by the circulator of that
21 section which sets forth the following:

22 (1) the printed name of the circulator;

23 (2) the address of the circulator;

24 (3) a statement that the circulator assumed responsibility for
25 circulating that section, that the circulator witnessed the signing
26 of that page by each person whose signature appears thereon,
27 that, to the best information and belief of the circulator, the
28 signers are legal residents of the State and of the county in which
29 the section was circulated, and that the section was circulated in
30 absolute good faith for the purpose of causing the recall of the
31 elected official named in the petition;

32 (4) the dates between which all signatures to that page were
33 collected; and

34 (5) a statement, signed by the circulator, as to the truth and
35 correctness of the aforesaid information.

36 10. a. A recall committee shall collect the required number of
37 signatures and file a completed petition with the recall election
38 official within the following time periods calculated from the
39 date that ³[an answer to the notice of intention was received
40 from the official sought to be recalled or, if no answer was filed,
41 from the deadline for such filing as provided in subsection c. of
42 section 7 of this act] the recall petition receives final approval
43 for circulation from the recall election official³:

44 (1) ²[120] ⁴[180²] 320⁴ days, when the Governor or a United
45 States Senator is sought to be recalled; and

46 (2) ²[60] ⁴[90²] 160⁴ days, when any other elected official is
47 sought to be recalled.

48 b. If a completed petition is not filed within the applicable
49 time period, the petition shall be void. No part of a void petition
50 shall be used in connection with any other recall effort.

51 c. If the official sought to be recalled resigns from office, the
52 collection of signatures shall cease and the petition shall be void.

53 11. All sections of a completed recall petition shall be filed
54 with the recall election official at the same time. When a

1 petition is presented for filing, the recall election official³,
2 within 10 business days,³ shall determine the total number of
3 signatures affixed thereto and whether the completed petition
4 complies with the other provisions of this act. A petition which
5 contains an insufficient number of signatures or otherwise fails to
6 comply with the provisions of this act shall be void. ³[If the
7 recall election official determines that the petition contains the
8 required number of signatures and otherwise complies with the
9 provisions of this act, the official shall have 30 calendar days in
10 which to verify the signatures on the petition if the elected
11 official sought to be recalled is the Governor or a United States
12 Senator and 20 calendar days to verify the signatures on the
13 petition if the elected official sought to be recalled holds any
14 other office.]³

15 12. ³[a. (1) Except as provided by paragraph (2) of this
16 subsection, the validity of signatures as signatures of a sufficient
17 number of registered voters shall, in the first instance, be
18 verified by random sample. The Secretary of State shall design
19 and promulgate, in accordance with the "Administrative
20 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules
21 establishing a random sampling procedure for use by any recall
22 election official, with rules of decision on the basis of which it
23 may be determined that the number of valid signatures in the
24 sample indicates that the number of valid signatures to all
25 sections of the petition submitted is sufficient or insufficient. In
26 designing the procedure and decision rules, the Secretary shall
27 employ the theory, assumptions and methods of standard
28 statistical analysis.

29 In performing random sample verification under this section,
30 the recall election official shall randomly select from the total
31 number of signatures filed a 10% sample, but not fewer than 100
32 signatures, which shall be drawn in a manner to ensure that every
33 signature shall have an equal chance of being included in the
34 sample. The verification of the validity of signatures shall be
35 performed against county registration records. The recall
36 election official shall then determine the number of valid
37 signatures in the sample.

38 If the number of sampled signatures determined to be valid
39 indicates, under the rules of decision established as hereinabove
40 provided, that it cannot be statistically determined whether the
41 number of valid signatures to all copies of the petition is either
42 sufficient or insufficient to qualify the petition, the recall
43 election official shall verify all signatures to that petition.

44 (2) In the case of any petition to which the total number of
45 signatures is 100 or fewer, the recall election official shall verify
46 every signature to the petition.

47 (3) Upon the determination by a recall election official under
48 paragraph (1) or paragraph (2) of this subsection that a petition
49 shall have been signed by a sufficient number of registered
50 voters, the recall election official shall, not later than the close
51 of business on the last day of the period of time allowed under
52 section 11 of this act to make that determination, transmit by
53 personal delivery or certified mail to the recall committee and to
54 the official sought to be recalled a certified statement of that

1 determination, signed by the recall election official.

2 b. An elected official who has received a certified statement
3 under paragraph (3) of subsection a. of this section of a
4 determination that a petition proposing that an election be held
5 to recall that official contains a sufficient number of signatures
6 shall be entitled to challenge that determination within three
7 business days of receiving the certified statement by filing with
8 the commissioner of registration in the appropriate county or
9 counties a request that the commissioner reverify the sufficiency
10 of the signatures. The commissioner or commissioners shall
11 perform such a reverification of all of those signatures and shall,
12 within 15 business days of receiving the request, certify to the
13 official and to the recall election official the results of that
14 reverification. If the reverification confirms the original
15 determination that the petition contains a sufficient number of
16 signatures, the elected official shall be liable for the cost to the
17 commissioner or the several commissioners of the reverification.]

18 The determination of the recall election official as to whether
19 a recall petition is signed by a sufficient number of registered
20 voters and otherwise complies with the provisions of this act
21 may, within 10 business days of issuance, be challenged by the
22 official sought to be recalled or by the recall committee by filing
23 a written objection thereto with the recall election official.
24 Upon the request of either of those parties, the recall election
25 official shall provide the party with a duly certified copy of the
26 recall petition and shall allow examination of the original recall
27 petition during regular business hours. The recall election
28 official shall pass upon the validity of an objection in an
29 expedited manner. The decision of the recall election official
30 may be contested, within 10 business days, by filing an action in
31 the Superior Court, which shall hear the matter on an expedited
32 basis and issue an order or determination as soon as possible after
33 filing of the action. Whenever the decision of a recall election
34 official with respect to a recall petition requiring more than
35 1,000 names is challenged by the official sought to be recalled or
36 by a recall committee, the parties shall be permitted to introduce
37 evidence that, under a random sample method which employs the
38 theory, assumptions and methods of standard statistical analysis,
39 the petition contains either a sufficient or an insufficient number
40 of signatures. The introduction of such evidence shall create a
41 rebuttable presumption that a petition is valid or invalid, as the
42 case may be.³

43 13. a. ³(1)³ If the recall election official determines that a
44 petition contains the required number of ³[valid]³ signatures and
45 otherwise complies with the provisions of this act and if the
46 official sought to be recalled makes no timely challenge to that
47 determination, or if the official makes such a challenge but the
48 ³[reverification of the signatures confirms the results of the
49 original verification thereof] original determination is confirmed
50 by the recall election official or the court³, the recall election
51 official shall ³[, within five business days of making the original
52 determination or of receiving notice of the confirmation of that
53 determination,] forthwith³ issue a certificate as to the
54 sufficiency of the petition to the recall committee. A copy of

1 the certificate shall be served by the recall election official on
2 the elected official sought to be recalled by personal service or
3 certified mail. If, within five business days of service of the
4 certification, the official has not resigned from office, the recall
5 election official shall order and fix ³[a date for] the³ holding³ of³
6 a recall election ³on the date indicated in the certificate³ ¹[at
7 the next general election to be held at least 55 days following the
8 fifth business day after service of the certification or, in the case
9 of an office filled at an election other than the general election,
10 at the next such election to be held in the jurisdiction at least 55
11 days following that fifth business day, except that if that next
12 general election or other election will not occur within six
13 months of the certification of the petition, then the recall
14 election shall be held at a special election to be held on the next
15 Tuesday occurring during the period beginning with the 55th day
16 and ending on the 61st day following the fifth business day after
17 service of the certification of the petition or, if that Tuesday
18 falls during the 18-day period before or after a day on which any
19 election is to be held or shall have been held within all or any
20 part of the jurisdiction, then on the first Tuesday thereafter
21 which does not fall within such an 18-day period. The date for a
22 recall election shall not be fixed, and a recall election shall not
23 be held, after the tenth day preceding the deadline established in
24 R.S.19:23-14 for filing a petition to be a candidate in the primary
25 election for the general election to serve the next term in the
26 office held by the official sought to be recalled] .

27 ³(2)³ In the case of an office which is ordinarily filled at the
28 general election, a recall election shall be held at the next
29 general election occurring at least 55 days following the fifth
30 business day after service of the certification, unless it was
31 indicated in the notice of intention that the recall election shall
32 be held at a special election in which case the recall election
33 official shall order and fix the date for holding the recall election
34 to be the next Tuesday occurring during the period beginning with
35 the 55th day and ending on the 61st day following the fifth
36 business day after service of the certification of the petition or,
37 if that Tuesday falls ³on, or³ during the ⁴[18-day] 28-day⁴ period
38 before or after ^{3,3} a day on which any ³general, primary,
39 nonpartisan municipal, school district or other recall³ election is
40 to be held or shall have been held within all or any part of the
41 jurisdiction, then the first Tuesday thereafter which does not fall
42 within such ³[18-day]³ period. In the case of an office which is
43 ordinarily filled at an election other than the general election, a
44 recall election shall be held at the next general election or the
45 next regular election for that office occurring at least 55 days
46 following the fifth business day after service of the certification,
47 unless it was indicated in the notice of intention that the recall
48 election shall be held at a special election in which case the
49 recall election official shall order and fix the date for holding the
50 recall election to be the next Tuesday occurring during the period
51 beginning with the 55th day and ending on the 61st day following
52 the fifth business day after service of the certification of the
53 petition or, if that Tuesday falls ³on, or³ during the ⁴[18-day]
54 28-day⁴ period before or after ^{3,3} a day on which any ³general,

1 primary, nonpartisan municipal, school district or other recall³
2 election is to be held or shall have been held within all or any
3 part of the jurisdiction, then the first Tuesday thereafter which
4 does not fall within such ³[18-day]³ period. A recall election to
5 be held at a special election shall not be scheduled on the same
6 day as a primary election¹. ²The date for a recall election shall
7 not be fixed, and no recall election shall be held, after the date
8 occurring six months prior to the general election or regular
9 election for the office, as appropriate, in the final year of an
10 official's term.²

11 ³(3)³ A vacancy in an elective office resulting from the
12 resignation of an elective official sought to be recalled prior to
13 the expiration of the five-day period shall be filled in the manner
14 provided by law for filling vacancies in that office.

15 b. The certificate issued by the recall election official shall
16 contain:

17 (1) the name and office of the official sought to be recalled;

18 (2) the number of signatures required by law to cause a recall
19 election to be held for that office;

20 (3) a statement to the effect that a valid recall petition,
21 determined to contain the required number of ³[valid]³
22 signatures, has been filed with the recall election official and
23 that a recall election will be held; and

24 (4) the date and time ³[of] when³ the election ³will be held if
25 the official does not resign³.

26 c. The recall election official shall transmit a copy of the
27 certificate to the officer or public body designated by law to be
28 responsible for publishing notice of any other election to be held
29 in the jurisdiction on the same day as the recall election, and that
30 officer or body shall cause notice of the recall election, including
31 all of the information contained in the certificate as prescribed
32 by subsection b. of this section, to be printed in a newspaper
33 published in the jurisdiction of the official sought to be recalled
34 or, if none exists, in a newspaper generally circulated in the
35 jurisdiction. The notice of the recall election shall appear on the
36 same schedule applicable to the notice of such other election. In
37 the event that the recall election is to be held as a special
38 election, the recall election official shall transmit a copy of the
39 certificate to the county board or boards of elections, and the
40 county board or boards shall cause notice of the recall election to
41 be printed, in the manner hereinbefore prescribed, once during
42 the 30 days next preceding the day fixed for the closing of the
43 registration books for the recall election and once during the
44 calendar week next preceding the week in which the recall
45 election is held.

46 14. A recall election shall be conducted in accordance with the
47 provisions of Title 19 of the Revised Statutes which apply to all
48 elections, except that in the case of an election to recall a
49 member of the governing body of a municipality operating under
50 the provisions of the "Uniform Nonpartisan Elections Law",
51 P.L.1981, c.379 (C.40:45-5 et seq.), or a member of the school
52 board in a Type II school district, or any other elected official
53 elected under the provisions of another title, the election shall be
54 conducted in accordance with the appropriate provisions of that

1 other title to the extent not inconsistent with the provisions of
2 this act.

3 Notwithstanding the provisions of any other law to the
4 contrary, for any election at which the question of the recall of
5 an elected official is submitted to the voters, the county clerk or
6 other appropriate officer shall cause samples of the entire ballot
7 to be voted upon at that election to be printed and distributed to
8 the voters of the jurisdiction wherein the recall election is to be
9 held in the same manner as prescribed for the printing and
10 distribution of sample ballots at the general election as provided
11 by article 2 of chapter 14 of Title 19 of the Revised Statutes,
12 except that in the case of an election other than the general
13 election, any period of time calculated under the provisions of
14 that article from the date of the general election shall be
15 calculated instead from the date on which such other election is
16 to be held.

17 15. a. Whenever the elected official sought to be recalled is
18 the Governor or a member of the Legislature, the question of
19 whether or not the Governor or member of the Legislature shall
20 be recalled shall appear on the ballot but no candidates to
21 succeed the Governor or member of the Legislature in the event
22 the recall is successful shall be listed thereon. A vacancy in the
23 office of Governor resulting from a recall election shall be filled
24 pursuant to Article V, Section I of the State Constitution in the
25 same manner as any other vacancy occurring in that office. A
26 vacancy in the office of member of the Legislature resulting
27 from a recall election shall be filled pursuant to Article IV,
28 Section IV, paragraph 1 of the State Constitution in the same
29 manner as any other vacancy occurring in that office ³, except
30 that no member who is recalled shall be eligible to be selected to
31 fill the vacancy created as a result of the recall³ .

32 b. Whenever the elected official sought to be recalled is other
33 than the Governor or member of the Legislature, candidates to
34 succeed the elected official in the event the recall is successful
35 may be nominated within nine days after the fifth business day
36 following service of the certification of the petition by each
37 political party in the manner prescribed in R.S.19:13-20 for
38 selecting candidates to fill vacancies among candidates
39 nominated at primary elections. Candidates may also be
40 nominated within that time period by petition in a manner similar
41 to that used for direct nomination by petition for a general
42 election. In the case of offices in nonpartisan units of
43 government, nomination shall be by petition. ³[No] An³ elected
44 official who is the subject of a recall election shall be eligible to
45 be ³[nominated or]³ elected as that ³[person's] official's³
46 successor in the event that the election results in the ³[person's]
47 official's³ recall.

48 c. The ballot used at a recall election shall pose the following
49 question to the voters: "Shall [insert name of elected official
50 sought to be recalled] be recalled from the office of [insert title
51 of office]?" To the right of the question, the words "Yes" and
52 "No" shall appear and each voter shall indicate the voter's
53 choice of one. A recall election ³sample³ ballot ³, but not the
54 actual ballot,³ shall ³[also]³ contain the statement of the reasons

1 for the recall prepared by the recall committee and the answer
2 thereto, if any, which appeared on the petition. ³[If no statement
3 of reasons for the recall appeared on the petition, the recall
4 committee may, not later than the 54th day preceding the day of
5 the recall election, submit such a statement to the appropriate
6 officer for inclusion on the recall election ballot; that officer
7 shall, not later than the next day following receipt of such a
8 statement, cause a copy of the statement to be personally
9 delivered to the official sought to be recalled. If no such answer
10 appeared on the petition, or if under this subsection a recall
11 committee shall have submitted a statement for inclusion on the
12 ballot and the official sought to be recalled to whom a copy of
13 that statement has been delivered determines that the answer
14 that did appear on the petition is not adequately responsive to
15 that statement, the official sought to be recalled may, not later
16 than the 50th day preceding the day of the recall election, submit
17 such an answer to the appropriate officer for inclusion on the
18 recall election ballot.]³

19 d. Whenever a successor is to be chosen at a recall election in
20 the event the recall is successful, the ballot shall indicate:
21 "Nominees for successor to [insert name and title of the elected
22 official sought to be recalled] in the event he (or she) is
23 recalled." The names of all persons nominated as successors shall
24 appear immediately thereafter in such manner as will allow each
25 voter to vote for one.

26 16. a. If a majority of votes cast on the question of the recall
27 of an elected official are in the affirmative, the term of office of
28 the elected official shall terminate upon the certification of the
29 election results. Where nominees to succeed the recalled official
30 are voted on at the same election, the successor receiving the
31 greatest number of votes shall succeed to the office of the
32 recalled official upon certification of the election results and
33 shall serve for the remainder of the unexpired term.

34 b. If a majority of votes cast on the question of recall of an
35 elected official are in the negative, the official shall continue in
36 office as if no recall election had been held and the vote for the
37 successor of such officer shall be void.

38 c. An elected official sought to be recalled who is not recalled
39 as the result of a recall election shall not again be subject to
40 recall until after having served one year of a term calculated
41 from the date of the recall election.

42 17. a. Except as ³otherwise³ provided in ³[subsection c. of]³
43 this section, a recall committee shall be treated as a candidate
44 committee for the purposes of "The New Jersey Campaign
45 Contributions and Expenditures Reporting Act," P.L.1973, c.83
46 (C.19:44A-1 et seq.) ², except that all contributions received by a
47 recall committee shall be used only for (1) the payment of
48 campaign expenses incurred in the course of and directly related
49 to the committee's effort to promote the recall or the passage of
50 the question of recall at the recall election, (2) the payment of
51 overhead and administrative expenses related to the operation of
52 the committee, or (3) the pro-rata repayment of contributors².

53 b. Except as provided in subsection c. of this section:

54 (1) an elected official sought to be recalled who receives

1 contributions and makes expenditures for the purpose of opposing
2 a recall effort shall establish a "recall defense committee",
3 which shall be separate from, but subject to the same
4 organizational and filing requirements and limitations on the
5 receipt of contributions applicable to, any candidate committee
6 under "The New Jersey Campaign Contributions and Expenditures
7 Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.), except that
8 a recall defense committee shall be permitted to receive without
9 limit contributions from the candidate committee or joint
10 candidates committee of the elected official sought to be
11 recalled. ²A recall defense committee, for all purposes relating
12 to campaign finance, shall be in addition to any candidate
13 committee or joint candidates committee which an official
14 sought to be recalled may by law establish. If an elected official
15 sought to be recalled transfers funds from the official's
16 candidate committee or joint candidates committee to the
17 official's recall defense committee, a new election cycle shall be
18 deemed to begin with respect to the candidate committee or joint
19 candidates committee after the recall election is held or the
20 recall effort fails and such official shall be permitted to solicit
21 and receive contributions thereto, including contributions from
22 prior contributors, up to the limits imposed by P.L.1973, c.83
23 (C.19:44A-1 et seq.). A recall defense committee may be formed
24 at any time after an official sought to be recalled is served with
25 either form of notice provided for by subsection e. of this
26 section.² All contributions received by a recall defense
27 committee shall be used only for (a) the payment of campaign
28 expenses incurred in the course of and directly related to the
29 committee's effort to oppose the recall effort or the passage of
30 the question of recall at the recall election, (b) the payment of
31 the overhead and administrative expenses related to the
32 operation of the committee, or (c) the pro-rata repayment of
33 contributors; and

34 (2) any nominee to succeed that elected official shall be
35 treated as a candidate for the purposes of "The New Jersey
36 Campaign Contributions and Expenditures Reporting Act,"
37 P.L.1973, c.83 (C.19:44A-1 et seq.).

38 c. The limits on contributions established by 2 U.S.C.441a shall
39 apply to a federal elected official sought to be recalled, a
40 candidate to succeed such an official and a recall committee
41 seeking to recall a federal elected official.

42 d. A Governor who is sought to be recalled shall not be
43 entitled to public support pursuant to P.L.1974, c.26
44 (C.19:44A-27 et seq.) for the purpose of opposing the recall
45 effort.

46 ¹e. Neither a recall committee nor a recall defense committee
47 shall solicit or accept contributions in connection with a recall
48 effort until after ²either: (1) the recall committee serves written
49 notice of the recall effort on the official sought to be recalled by
50 personal service or certified mail, with a copy thereof filed with
51 the recall election official; or (2)² a copy of an approved notice
52 of intention is served on the official sought to be recalled as
53 provided in subsection b. of section 7 of this act.¹ ²If a recall
54 committee notifies an official sought to be recalled of its

1 intention to initiate a recall effort by the method described in
2 paragraph (1) of this subsection, it must file a notice of intention
3 within 30 days of the date the notice is served on the official or
4 cease the solicitation, acceptance and expenditure of funds.

5 f. Contributions to a recall committee by a candidate
6 committee or ³[a]³ joint candidates committee of a candidate
7 who was defeated by the official sought to be recalled at the last
8 election for that office shall be subject to the limits on
9 contributions established by "The New Jersey Campaign
10 Contributions and Expenditures Reporting Act," P.L.1973, c.83
11 (C.19:44A-1 et seq.).²

12 ³g. A recall committee shall submit, at the time of its initial
13 filing with the Election Law Enforcement Commission, in
14 addition to its depository account registration information, a
15 registration statement which includes:

16 (1) the complete name or identifying title of the committee
17 and the general category of entity or entities, including but not
18 limited to business organizations, labor organizations,
19 professional or trade associations, candidates for or holders of
20 public offices, political parties, ideological groups or civic
21 associations, the interests of which are shared by the leadership,
22 members, or financial supporters of the committee;

23 (2) the mailing address of the committee and the name and
24 resident address of a resident of this State who shall have been
25 designated by the committee as its agent to accept service of
26 process; and

27 (3) a descriptive statement prepared by the organizers or
28 officers of the committee that identifies:

29 (a) the names and mailing addresses of the persons having
30 control over the affairs of the committee, including but not
31 limited to persons in whose name or at whose direction or
32 suggestion the committee solicits funds;

33 (b) the name and mailing address of any person not included
34 among the persons identified under subparagraph (a) of this
35 paragraph who, directly or through an agent, participated in the
36 initial organization of the committee;

37 (c) in the case of any person identified under subparagraph (a)
38 or subparagraph (b) who is an individual, the occupation of that
39 individual, the individual's home address, and the name and
40 mailing address of the individual's employer, or, in the case of
41 any such person which is a corporation, partnership,
42 unincorporated association, or other organization, the name and
43 mailing address of the organization; and

44 (d) any other information which the Election Law Enforcement
45 Commission may, under such regulations as it shall adopt
46 pursuant to the provisions of the "Administrative Procedure
47 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), require as being
48 material to the fullest possible disclosure of the economic,
49 political and other particular interests and objectives which the
50 committee has been organized to or does advance. The
51 commission shall be informed, in writing, of any change in the
52 information required by this paragraph within three days of the
53 occurrence of the change.

54 h. In accordance with the Election Law Enforcement

1 Commission's regular reporting schedule, the commission may,
2 by regulation, require a recall committee or a recall defense
3 committee to file during any calendar year one or more
4 additional cumulative reports of such contributions received and
5 expenditures made to ensure that no more than three months
6 shall elapse between the last day of a period covered by one such
7 report and the last day of the period covered by the next such
8 report.³

9 18. ³[The following are repealed:] On the effective date of
10 this act,³ sections 88 through 98 of P.L. 1972, c.154 (C.40:41A-88
11 et seq.); sections 17-19 through 17-29 of P.L.1950, c.210
12 (C.40:69A-168 et seq.); R.S.40:75-25 through R.S.40:75-44;
13 R.S.40:81-6; and R.S.40:84-12 through R.S.40:84-19 ³shall
14 become inoperative and shall have no force or effect unless a
15 court of competent jurisdiction issues a final order invalidating
16 the provisions of Article I, paragraph 2b. of the New Jersey
17 Constitution. providing for the recall of elected officials, and the
18 provisions of this act which permit the recall of county or
19 municipal officials, in which case the aforesaid laws shall again
20 become operative and shall have full force and effect as of the
21 date of the court's ruling³.

22 ¹[19. No petition of direct nomination of a person for the
23 office of United States Senator or member of the United States
24 House of Representatives shall be deemed to have been properly
25 filed with the Secretary of State unless there shall also have been
26 filed with the Secretary the following statement, signed by the
27 person nominated in the petition:
28

29 "In the event that I, [name of the person nominated by
30 the petition], am elected to the office of [United States
31 Senator or member of the United States House of
32 Representatives, as appropriate], I hereby waive/do not
33 waive [cross out one of these alternatives] any right or
34 standing to object, on grounds based upon the Constitution
35 or laws of the United States, to the institution or
36 maintenance under the "Uniform Recall Election Law" of
37 an effort to place on the ballot the question of whether or
38 not I shall be recalled from such office, to the
39 performance by any public officer or employee of any
40 responsibility assigned to that officer or employee under
41 the "Uniform Recall Election Law", or to the conduct or
42 the results of any recall election held in accordance with
43 the "Uniform Recall Election Law". In the event that I
44 am recalled from the office of [United States Senator or
45 member of the United States House of Representatives, as
46 appropriate] at such a recall election, I hereby
47 resign/decline to resign [cross out one of these
48 alternatives] that office effective upon certification of
49 the results of that election."
50

51 _____
52 [signature of person nominated by petition]
53

54 The statement when filed shall be opened under proper
55 regulations for public inspection in the same manner as the
56 petition of direct nomination.]¹

57 ¹[20. No petition nominating a candidate to be voted for
58 by the voters of a political party at a primary election for
59 the office of United States Senator or member of the United
60 States House of Representatives shall be deemed to have
61 been properly filed with the Secretary of State unless there
62 shall also have been filed with the Secretary the following
63 statement, signed by the person nominated in the petition:

1 "In the event that I, [name of the person nominated by
2 the petition], am elected to the office of [United States
3 Senator or member of the United States House of
4 Representatives, as appropriate], I hereby waive/do not
5 waive [cross out one of these alternatives] any right or
6 standing to object, on grounds based upon the Constitution
7 or laws of the United States, to the institution or
8 maintenance under the "Uniform Recall Election Law" of
9 an effort to place on the ballot the question of whether or
10 not I shall be recalled from such office, to the
11 performance by any public officer or employee of any
12 responsibility assigned to that officer or employee under
13 the "Uniform Recall Election Law", or to the conduct or
14 the results of any recall election held in accordance with
15 the "Uniform Recall Election Law". In the event that I
16 am recalled from the office of [United States Senator or
17 member of the United States House of Representatives, as
18 appropriate] at such a recall election, I hereby
19 resign/decline to resign [cross out one of these
20 alternatives] that office effective upon certification of
21 the results of that election."
22

23
24 [signature of person nominated by petition]
25

26 The statement when filed shall be opened under proper
27 regulations for public inspection in the same manner as the
28 petition nominating the candidate.]¹

29 ¹[21.] 19.¹ This act shall take effect immediately ⁴, except
30 that the provisions of this act rendering existing recall statutes
31 inoperative and of no force and effect shall not apply to any
32 recall effort undertaken pursuant to said statutes if said effort
33 shall have been commenced on or before this act's effective
34 date. Any such recall efforts shall be completed under the
35 provisions of statutory law under which they were commenced,
36 the provisions of this act to the contrary notwithstanding⁴.
37

38
39
40
41 The "Uniform Recall Election Law"; implements constitutional
42 amendment granting the power to recall elected officials to the
43 people.

ASSEMBLY, No. 25

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblymen HAYTAIAN and LoBIONDO

1 AN ACT concerning the recall of the Governor or a member of
2 the Legislature and supplementing Title 19 of the Revised
3 Statutes.

4
5 BE IT ENACTED *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7 1. a. Any person holding the office of Governor or member of
8 the Legislature shall be subject to recall from such office on the
9 grounds of lack of physical or mental fitness, incompetence,
10 violation of the oath of office, corruption, neglect of duties or
11 official misconduct.

12 b. The number of legally qualified voters who reside within the
13 State necessary to petition the recall of the Governor shall be
14 equal to at least 25 percent of the total number of ballots cast at
15 the general election held at which the Governor was elected
16 whose recall is sought, except that when the recall of the
17 Governor is sought for acts committed by the Governor in a prior
18 term, the number of legally qualified voters who reside within the
19 State necessary to petition the recall shall be equal to at least 25
20 percent of the total number of ballots cast at the general
21 election held to elect the Governor to the term in which the
22 grounds for recall occurred.

23 c. The number of legally qualified voters who reside within a
24 legislative district necessary to petition the recall of a member
25 of the Legislature representing that district shall be equal to 25
26 percent of the total number of ballots cast in that legislative
27 district at the general election at which the member of the
28 Legislature was elected whose recall is sought, except that when
29 the recall of a member of the Legislature representing that
30 district is sought for acts committed by the legislator during a
31 prior term, the number of legally qualified voters who reside
32 within the legislative district necessary to petition the recall
33 shall be equal to 25 percent of the total number of ballots cast in
34 that legislative district at the general election held to elect the
35 member of the Legislature to the term in which the grounds for
36 recall occurred.

37 d. No recall petition shall demand the recall of more than one
38 public official.

39 2. a. An application for a recall petition for the Governor or a
40 member of the Legislature shall be made with the Secretary of
41 State. No application for a recall petition for the office of
42 Governor shall be filed during the first 120 calendar days of the
43 first term of a Governor or the last 120 calendar days of a term
44 of office of a Governor. No application for a recall petition for a
45 member of the Legislature shall be filed during the first 120

1 calendar days after the Legislature convenes its first annual
2 session of a two-year legislative term or during the last 120
3 calendar days prior to the conclusion of a two-year legislative
4 term.

5 b. An application form for a recall petition may be obtained
6 from the office of the Secretary of State. The application forms
7 shall be printed and issued by the office of the Secretary of
8 State. The Secretary of State shall assign a separate number to
9 each application. Such number shall appear on the face of every
10 page of each application issued, together with date of issuance.

11 c. For the purposes of circulation, an application form shall be
12 prepared by the Secretary of State in a manner reasonably
13 calculated to allow full circulation throughout the State, in the
14 case of a Governor sought to be recalled, or the legislative
15 district, in the case of a member of the Legislature sought to be
16 recalled. When an application form is circulated in more than
17 one county, each sheet of that application form shall bear the
18 name of the county in which it is circulated, and only legally
19 qualified voters of the designated county may sign such
20 application form.

21 d. A completed application for a recall petition shall include:

22 (1) the name and office of the person to be recalled;
23 (2) the printed name, residence address, county of residence,
24 signature and date of signature of the official sponsors, who,
25 in the case of recall of the Governor, shall be legally
26 qualified voters of the State whose total number shall equal
27 at least 1,000, or who, in the case of a member of the
28 Legislature, shall be legally qualified voters of the
29 legislative district whose total number shall equal at least
30 100;

31 (3) the designation of three of the sponsors as the recall
32 petition committee who shall represent the sponsors on all
33 matters pertaining to the recall application and petition; and
34 (4) a statement of no more than 200 words as follows:

35 " _____ (name and office), while holding office, _____
36 (state the appropriate ground or grounds for recall as set
37 forth in subsection a. of section 1 of P.L. _____, c. _____ (C. _____) (now
38 pending before the Legislature as this bill)." Such statement
39 shall be typed on the face of every page of each application
40 issued.

41 e. Each application form shall be approximately 8 1/2 x 13
42 inches. The forms shall be ruled with a horizontal line 1 1/2
43 inches from the top thereof. The space above such line shall
44 remain blank and shall be for the purpose of binding.

45 3. a. Those persons who circulate a recall petition application
46 shall have 10 calendar days from the date of issuance by the
47 Secretary of State to collect the required number of official
48 sponsor signatures.

49 b. No person shall be authorized to apply for, circulate or sign
50 a recall petition application form unless the person is a legally
51 qualified voter of the State, in the case of recall of the Governor,
52 or of the legislative district, in the case of recall of a member of
53 the Legislature. A person circulating such a recall application
54 form shall make a written oath before a notary public that the

1 application is made in good faith and that the person saw all the
 2 signatures made thereto and believes that the signers are duly
 3 qualified voters. Such an oath shall be on the reverse side of
 4 every page of each application form.

5 c. If a legally qualified voter is incapable of signing the
 6 application by reason of blindness or other disability, the voter
 7 shall make a cross, which shall be followed by the writing of the
 8 words "His or Her mark," as the case may be, by the person
 9 circulating the application. The person who is circulating the
 10 application shall print the name, address of the voter and date
 11 the mark was made in the space provided therefor and shall sign
 12 the full name of the circulator next to the printed name of the
 13 voter.

14 4. a. At any time prior to the date that the application for a
 15 recall petition is received by the Secretary of State a legally
 16 qualified voter who has signed the application as an official
 17 sponsor may request the withdrawal of his signature from the
 18 application by executing and filing with the Secretary of State an
 19 affidavit signed and sworn to before a notary public.

20 b. The affidavit shall be substantially in the following form:

21 AFFIDAVIT OF SIGNATURE WITHDRAWAL

22
 23 State of New Jersey

24
 25 County of _____

26
 27 I, _____ (Name as it appears on the application), being first
 28 duly sworn, say that I am a registered voter of ____ (county) in which the
 29 recall election is to be conducted.

30
 31 That my residence address is _____ (Number and street or
 32 route) _____ (City)

33
 34 That I signed or caused to be signed the application for the recall
 35 of _____ (Name and office of person sought to be recalled) and that the
 36 recall application has been assigned number ____ by the Secretary of State.

37
 38 That it is my intention by signing and filing of this affidavit to
 39 withdraw my signature therefrom.

40
 41 _____
 42 Signature of voter

43
 44 Subscribed and sworn to
 45 before me this _____
 46 day of _____, 19__.

47
 48 _____
 49 Notary public

50
 51 My commission expires on the _____ day of _____, 19__.

52
 53 c. Upon the receipt of an affidavit of signature withdrawal,
 54 the Secretary of State shall notify the person or persons

1 submitting the application that the affidavit has been filed with
2 the office of the Secretary of State.

3 5. a. A recall petition application shall not be accepted for
4 signature, name and address verification if:

5 (1) it fails to contain a statement of no more than 200 words
6 stating the reasons for the recall;

7 (2) it does not list the names of the required number of
8 official petition sponsors;

9 (3) it does not list the names of three persons who shall
10 represent all sponsors and subscribers in matters relating to
11 the recall;

12 (4) in the case of recall of the Governor, it is filed during
13 the first 120 calendar days of the first term of a Governor or
14 the last 120 calendar days of the term of office of a
15 Governor, or, in the case of recall of a member of the
16 Legislature, it is filed during the first 120 days after the
17 Legislature convenes its first annual session of a two-year
18 legislative term or during the last 120 calendar days prior to
19 the conclusion of a two-year legislative term; or

20 (5) it is filed with the office of the Secretary of State later
21 than the first business day after the 10-day period for the
22 collection of signatures.

23 b. Within two business days after the acceptance of the recall
24 petition application, the Secretary of State shall transmit the
25 recall petition application for name, address and signature
26 verification to the commissioners of registration in counties
27 having a superintendent of elections, and the county boards in all
28 other counties, in the case of a Governor whose recall is being
29 sought, or the commissioners of registration in counties having a
30 superintendent of elections, and the county boards in all other
31 counties, of each county which comprises in whole or part the
32 legislative district where the recall is being sought, in the case of
33 a member of the Legislature. The Secretary of State shall
34 transmit each sheet of the recall application for verification to
35 the appropriate commissioner of registration or county board of
36 the county wherein that sheet was circulated.

37 c. The commissioners of registration or the county boards, as
38 appropriate, shall have 10 business days in the case of the
39 Governor and five business days in the case of a member of the
40 Legislature to verify the names, addresses and signatures on the
41 recall petition application. No later than the first business day
42 after that 10-day or five-day period, as the case may be, the
43 commissioners of registration or the county boards, as
44 appropriate, shall notify the Secretary of State of the
45 verification results.

46 d. In the case of an application that contains the mark of a
47 legally qualified voter who is blind or suffers some other
48 disability, both the name and address of the voter and the name,
49 address and signature of the circulator shall be verified by the
50 commissioner of registration or the county board, as appropriate.

51 e. If, based upon the verification results provided by the
52 commissioners of registration or the county boards, as
53 appropriate, the Secretary of State is not reasonably able to
54 certify that a signature is that of a qualified voter eligible to sign

1 the recall application, such signature shall not be counted in
 2 determining whether the application contains a sufficient number
 3 of signatures as required by law. The nullification of a signature
 4 on any form of a recall application shall not affect the validity of
 5 other signatures contained on such forms.

6 f. An otherwise valid signature shall be nullified if a legally
 7 qualified voter signs an application form which bears the name of
 8 a county that is not the county wherein the voter is registered to
 9 vote.

10 g. If the application is not accepted for signature verification
 11 or does not contain the appropriate number of legally qualified
 12 sponsor signatures, the application shall not be certified by the
 13 Secretary of State. The Secretary of State shall notify the
 14 person or persons submitting the recall application that the
 15 application shall not be certified and the reason for the denial of
 16 such certification. The person or persons submitting the
 17 application shall have the opportunity to re-apply for a recall
 18 petition application.

19 6. a. Upon the certification of the recall petition application,
 20 the Secretary of State shall notify in writing the public officer
 21 named for recall in the application that the application has been
 22 certified and that a recall petition will be issued for circulation.

23 b. When the application is certified, the Secretary of State
 24 shall immediately file the certificate of the application and issue
 25 the official recall petition forms. The Secretary of State shall
 26 assign a separate number to each recall petition, which number
 27 shall appear on every page of the petition form, and issue that
 28 number to the sponsors. A record of each petition, including the
 29 date of its receipt and the number assigned and issued to the
 30 sponsors, shall be maintained by the Secretary of State.

31 c. For the purposes of circulation, a petition shall be prepared
 32 by the Secretary of State in a manner reasonably calculated to
 33 allow full circulation throughout the State, in the case of a
 34 Governor sought to be recalled, or the legislative district, in the
 35 case of a member of the Legislature sought to be recalled. When
 36 a petition is circulated in more than one county, each sheet of
 37 the petition shall bear the name of the county in which it is
 38 circulated, and only legally qualified voters of the designated
 39 county may sign such sheet.

40 7. a. The official recall petition forms shall be printed by the
 41 office of the Secretary of State in the following form:

42
 43 RECALL PETITION

44 _____
 45 (Official petition no.)

46 _____
 47 (County)

48 To the Honorable _____, Secretary of State of the State of New
 49 Jersey:

50 We, the undersigned legally qualified voters of the State of New
 51 Jersey (or name of the appropriate legislative district) respectfully
 52 petition that an election be held as provided by law on the question
 53 of whether _____, holding the office of _____, should be recalled for the
 54 following reasons: (Statement of the appropriate ground or grounds

1 for recall as set forth in subsection a. of section 1 of P.L. , c. (C.) (now
2 pending before the Legislature as this bill.)

3

4 Name Address Date_____

5

6 (Name (print) signature) (Number and street or route)

7

8 b. The following statements shall be printed on each petition
9 and shall be read by or to each signer:

10

11 (1)

12

Warning

13

14 Any person who knowingly signs a name other than his own to this
15 petition or who signs his name more than once upon a petition to
16 recall the same officer at one election or who is not, at the time he
17 signs this petition, a legally qualified voter of the State of New
18 Jersey entitled to vote for the successor of the elected officer to be
19 recalled shall be guilty of a crime of the fourth degree.

20

21 (2) If (insert appropriate number) the legally qualified voters of (this
22 State) (the ___ Legislative district) legally qualified voters sign this
23 petition, there shall be an election at which a majority of legally
24 qualified voters therein shall determine whether the above-named
official shall be removed from office.

25

26 c. The signatures on each petition shall be placed on sheets of paper
27 known as circulation sheets. Each circulation sheet shall be
28 approximately 8 1/2 x 13 inches. The circulation sheets shall be ruled
29 with a horizontal line 1 1/2 inches from the top thereof. The space above
such line shall remain blank and shall be for the purpose of binding.

30

31 8. a. All signers of a recall petition for the Governor shall be legally
32 qualified voters who reside in the State. All signers of a recall petition
33 for a member of the Legislature shall be legally qualified voters who
34 reside in the legislative district of the member of the Legislature sought
to be recalled.

35

36 b. A legally qualified voter who signs a recall petition shall sign his
37 name as it appears on the permanent voter registration register and shall
38 print his name and address in the space provided therefor. The signer
shall also date his signature in the space provided.

39

40 c. Every legally qualified voter who signs a recall petition shall do so
41 in the presence of the person circulating the petition. A person
42 circulating a petition shall make a written oath before a notary public
43 that the petition is made in good faith and that the person saw all the
44 signatures made thereto and believes that the signers were duly qualified
45 voters. Such an oath shall be on the reverse side of every page of every
petition circulation sheet.

46

47 d. If a legally qualified voter is incapable of signing the petition by
48 reason of blindness or other disability, the voter shall make a cross, which
49 shall be followed by the writing of the words "His or Her mark," as the
50 case may be, by the person circulating the petition. The person who is
51 the circulator of the petition shall print the name, address and date the
52 mark was made in the space provided therefor and shall sign the full
name of the circulator next to the printed name of the voter.

53

54 9. a. At any time prior to the date that the petition is received by the
Secretary of State a legally qualified voter who has signed the petition

1 may request the withdrawal of his signature from the petition by
 2 executing and filing with the Secretary of State an affidavit signed and
 3 sworn to before an notary public.

4 b. The affidavit shall be substantially in the following form:

5 AFFIDAVIT OF SIGNATURE WITHDRAWAL

6
 7 State of New Jersey

8
 9 County of _____

10
 11 I, _____ (Name as it appears on the application) being first duly
 12 sworn, say that I am a registered voter of ____ (county).

13
 14 That my residence address is
 15 _____ (Number and street or route) ____ (City)

16
 17 That I signed or caused to be signed the petition for the recall
 18 of ____ (Name and office of person sought to be recalled).

19
 20 That it is my intention by signing and filing of this affidavit to
 21 withdraw my signature therefrom.

22
 23 _____
 24 Signature of voter

25
 26 Subscribed and sworn to
 27 before me this _____
 28 day of _____, 19__.

29
 30 _____
 31 Notary public

32
 33 My commission expires on the _____ day of _____, 19__.

34
 35 c. Upon the receipt of an affidavit of signature withdrawal,
 36 the Secretary of State shall notify the recall petition committee
 37 that the affidavit has been filed with the Secretary of State.

38 10. a. The recall petition may be circulated by an official
 39 sponsor or a legally qualified voter designated by an official
 40 sponsor as one who is entitled to circulate a petition. Each
 41 official sponsor who designates a person as one who is entitled to
 42 circulate a petition shall notify the recall petition committee
 43 that such a designation has been made. Upon the filing of the
 44 recall petition with the Secretary of State, the recall committee
 45 shall submit a list of those persons entitled to circulate the
 46 petitions.

47 b. The sponsors and their designees shall have 120 calendar
 48 days from the date on which the Secretary of State issues the
 49 official recall petition forms to collect the signatures of legally
 50 qualified voters.

51 c. When the recall committee determines that it has obtained
 52 the appropriate number of signatures, the committee shall file
 53 the petition with the Secretary of State.

54 d. A recall petition shall not be accepted for name, address

1 and signature verification:

2 (1) if the petition is filed later than the first business day
3 after the 120-day period for the collection of signatures; or

4 (2) if it is determined that the signatures on the petitions
5 were collected by persons other than official sponsors or their
6 designees.

7 e. Within two business days after the acceptance of a petition,
8 the Secretary of State shall transmit the petition for name,
9 address and signature verification to the commissioners of
10 registration in counties having a superintendent of elections, and
11 the county boards in all other counties, in the case of the
12 Governor whose recall is sought, or the commissioners of
13 registration or the county boards, as appropriate, of each county
14 which comprises in whole or part the legislative district where
15 the recall is being sought, in the case of a member of the
16 Legislature. The Secretary of State shall transmit each sheet of
17 the recall petition for verification to the appropriate
18 commissioner of registration or county board of the county
19 wherein that petition was circulated.

20 f. The commissioners of registration or the county boards, as
21 appropriate, shall have 20 business days in the case of the
22 Governor and 10 business days in the case of a member of the
23 Legislature to verify the names, addresses and signatures on the
24 petition. No later than the first business day after that 20-day or
25 10-day period, as the case may be, the commissioners of
26 registration or the county boards, as appropriate, shall notify the
27 Secretary of State of the verification results.

28 g. In the case of a petition that contains the mark of a legally
29 qualified voter who is blind or suffers some other disability, both
30 the name and address of the voter and the name, address and
31 signature of the circulator shall be verified by the commissioner
32 of registration or the county board, as appropriate.

33 h. If more than one recall petition is subject to review for
34 verification at the same time, the commissioners of registration
35 or the county boards, as appropriate, shall have 30 business days
36 to verify the information on the petitions.

37 11. a. If, based upon the verification results provided by the
38 commissioners of registration or the county boards, as
39 appropriate, the Secretary of State is not reasonably able to
40 certify that a signature is that of a qualified voter eligible to sign
41 the recall petition, such signature shall not be counted in
42 determining whether the petition contains a sufficient number of
43 signatures as required by law. The nullification of a signature on
44 any sheet of the recall petition shall not affect the validity of
45 other signatures contained on such sheet.

46 b. An otherwise valid signature shall be nullified if a legally
47 qualified voter signs a circulation sheet which bears the name of
48 a county that is not the county wherein the voter is registered to
49 vote.

50 c. Should the Secretary of State not certify a petition because
51 the verification process established that the appropriate number
52 of signatures of legally qualified voters were not on the petition
53 or because the petition was not accepted for verification, the
54 recall committee shall have 20 calendar days to amend the

1 petition.

2 d. Within one business day after the re-submission the
3 Secretary of State shall transmit the amended petition for name,
4 address and signature verification to the commissioners of
5 registration and the county boards, as appropriate, in the case of
6 the Governor whose recall is sought, or the commissioners of
7 registration and the county boards, as appropriate, of each county
8 which comprises in whole or part the legislative district where
9 the recall is being sought, in the case of a member of the
10 Legislature.

11 e. The commissioners of registration and the county boards, as
12 appropriate, shall have 10 business days in the case of the
13 Governor and five business days in the case of a member of the
14 Legislature upon the acceptance of the amended petition to
15 verify the amended information, except that the commissioners
16 of registration and the county boards, as appropriate, shall have
17 20 business days in the case of the Governor and 10 business days
18 in the case of a member of the Legislature to verify an amended
19 recall petition that was initially rejected for name, address and
20 signature verification. No later than the first business day after
21 that 20-day or 10-day period, as the case may be, the
22 commissioners of registration and the county boards, as
23 appropriate, shall notify the Secretary of State of the
24 verification results.

25 f. If the amended petition cannot be accepted for verification
26 or should the Secretary of State make a determination based upon
27 the verification results of the amended petition that the amended
28 petition is not certifiable, the Secretary of State shall certify the
29 petition as insufficient.

30 g. Upon the certification of a petition as sufficient, the
31 Secretary of State shall immediately notify the Attorney General
32 of New Jersey, the members of the recall petition committee and
33 the officeholder in writing of the results and officially file the
34 certification of the petition.

35 h. If an officeholder resigns prior to the holding of a recall
36 election, no recall election shall be conducted. If an officeholder
37 chooses to stand for the recall election, the officeholder shall
38 have the opportunity to prepare and have printed on the ballot for
39 that election a statement of no more than 200 words stating the
40 reasons why the person should not be recalled from office. No
41 such statement of justification shall be printed on the ballot if
42 the statement is not filed with the office of the Secretary of
43 State within five business days of the certification of the recall
44 petition.

45 12. a. Within five business days after certification of the
46 sufficiency of the recall petition by the Secretary of State, a
47 recall election shall be called by the Attorney General and shall
48 be conducted on a Tuesday, not less than 60 calendar days nor
49 more than 90 calendar days after such call, except that if the
50 95th day after the date of certification falls within the 30 days
51 before or the 30 days after a primary or general election, the
52 recall election shall be conducted on the date of that primary or
53 general election.

54 b. If the dates of two or more recall elections fall within the

1 same 60 to 90-day period, the elections shall be held on the same
2 day.

3 c. The official call for such election shall be published at least
4 one time within 15 days of the certification of the petition as
5 follows:

6 (1) in the newspaper or newspapers of general circulation which
7 singly or in combination, have general circulation throughout the
8 State, if the election is for the office of the Governor;

9 (2) in the newspaper of general circulation in the legislative
10 district, if the election is for a member of the Legislature.

11 13. a. It shall be the duty of the appropriate official
12 authorized by law to conduct elections to hold and conduct the
13 recall election and to declare and certify the results. The ballot
14 for the recall election shall state the name and office of the
15 person whose recall has been petitioned. The ballot shall have
16 written or printed thereon the following:

17 () YES

18 or

19 () NO"

20 "Shall ___ (name of officeholder), be
21 recalled from ___ (name the office) and
22 removed from that office on the grounds
23 that ___ (name of officeholder), while
24 holding public office, acted in a manner
25 which adversely affected the rights and
26 interests of the public and on the ground(s)
27 that ___ (name of officeholder) ___ (State
28 the appropriate ground or grounds for
29 recall as set forth in subsection a. of
30 section 1. of P.L.19 . c. (C.) (now
31 pending before the Legislature as this
32 bill))?"
33

34 b. Those persons desiring to vote in favor of recall shall vote
35 "Yes," and those persons desiring to vote against recall shall vote
36 "No." If a majority of the votes cast on the question of recall
37 favor the removal of the officer, the Secretary of State shall so
38 certify and the office shall be deemed vacant on the day after
39 the date of certification. Otherwise, the public official named in
40 the recall petition shall continue in office.

41 c. If more than one public officer is subject to a recall
42 election in the same voting district, the Secretary of State shall
43 direct the county clerk of each county affected by the recall
44 election to prepare a recall ballot so as to include on a single
45 ballot separate recall questions for each of the officers sought to
46 be recalled.

47 d. A vacancy in the office of the Governor or member of the
48 Legislature caused by recall shall be filled as a vacancy in such
49 office caused by any other means is filled.

50 14. a. After a recall election, no further recall petition
51 application shall be filed against the same officer until at least
52 six months have elapsed from the date of the previous recall
53 election. Any other recall petitions against that officer
54 outstanding on the date of the recall election shall be void.

1 b. If the Secretary of State finds that a recall petition is
2 insufficient and so certifies the petition, no further application
3 for a recall petition shall be filed against the same officer until
4 at least six months have elapsed from the date of the denial of
5 such recall petition.

6 15. This act shall take effect immediately but shall remain
7 inoperative until a constitutional amendment providing for the
8 recall of the Governor or a member of the Legislature has been
9 adopted and has taken effect.

10

11

12

STATEMENT

13

14 This bill establishes the procedures by which a Governor or a
15 member of the Legislature may be recalled from that office.
16 Grounds for recall are lack of physical or mental fitness,
17 incompetence, violation of the oath of office, corruption, neglect
18 of duties or official misconduct.

19 Persons who are legally qualified voters and who wish to
20 initiate a recall petition for the Governor or a member of the
21 Legislature must apply to the Secretary of State for a recall
22 petition application. Upon receipt of this request, the Secretary
23 of State shall issue an application form which shall be used by the
24 applicants to gather signatures of official petition sponsors.

25 The applicants must obtain, within 10 calendar days of the
26 issuance of the application forms, the signatures of at least 1,000
27 legally qualified voters of the State in the case of recall of the
28 Governor, or in the case of recall of a member of the Legislature,
29 the signatures of at least 100 legally qualified voters of the
30 legislative district represented by the member of the
31 Legislature. Those persons who sign the application shall be the
32 official sponsors of the petition. The applicants shall designate
33 three of these sponsors to act as the recall petition committee.
34 The committee shall represent the sponsors on all matters
35 pertaining to the recall application and petition.

36 Upon receipt of this application, the Secretary of State, in
37 conjunction with the commissioners of registration or the county
38 boards of elections in all counties affected by the petition
39 application, shall verify and certify the information on the recall
40 petition application and shall issue the recall petition forms.

41 A voter who signs a recall petition shall sign his name as it
42 appears on the permanent voter registration register and shall
43 print his name and address in the space provided therefor. The
44 signer shall also date his signature in the space provided.

45 The recall petition may be circulated by an official sponsor or
46 a person designated by an official sponsor as one who is entitled
47 to circulate a petition. The sponsors and their designees shall
48 have 120 calendar days from the date on which the Secretary of
49 State issues the petition forms to collect the necessary signatures.

50 When the recall committee determines that it has obtained the
51 appropriate number of signatures, the committee shall file the
52 petition with the Secretary of State who, in conjunction with the
53 commissioners of registration or the county boards in all counties
54 affected by the recall petition, shall verify the signature, name

1 and address of each signer of the petition.

2 Should the Secretary of State not certify a petition for any
3 reason, the recall committee shall have 20 calendar days to
4 amend and re-file the petition.

5 If the Secretary of State determines for any reason that the
6 amended petition is not certifiable, the Secretary of State shall
7 certify the petition as insufficient.

8 Upon the certification of a sufficient recall petition, the
9 Secretary of State shall immediately notify the Attorney General
10 of New Jersey, the recall petition chairmen and the officeholder
11 in writing of the results and officially file the certification of the
12 petition.

13 If an officeholder resigns prior to the holding of a recall
14 election, no recall election shall be conducted.

15 Within five business days after certification of sufficiency of
16 the recall petition by the Secretary of State, a recall election
17 shall be called by the Attorney General and shall be conducted
18 not less than 60 calendar days nor more than 90 calendar days
19 after such call, except that if the 95th day after the date of
20 certification falls within the 30 days before or the 30 days after a
21 primary or general election, the recall election shall be
22 conducted on the date of that primary or general election.

23 A vacancy caused by recall shall be filled as a vacancy caused
24 by any other means is filled.

25 After a recall election, no further recall petition application
26 shall be filed against the same officer until at least six months
27 have elapsed from the date of the previous recall election, and
28 any other recall petitions against that officer outstanding on the
29 date of the recall election shall be void.

30 If the Secretary of State finds that a recall petition is
31 insufficient and so certifies the petition, no further application
32 for a recall petition shall be filed against the same officer until
33 at least six months have elapsed from the date of the denial of
34 such recall petition.

35

36

37

38

39 Provides for recall of Governor or member of the Legislature.

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ASSEMBLY, No. 1207

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 7, 1994

By Assemblymen MORAN and CONNORS

1 AN ACT establishing a procedure for the recall of elected
2 officials and supplementing Title 19 of the Revised Statues.

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. This act shall be known and may be cited as the "Recall
7 Election Act."

8 2. Pursuant to Article I, paragraph 2b. of the New Jersey
9 Constitution, the people of this State shall have the power to
10 recall any United States Senator or Representative elected from
11 this State or any State or local elected official in the manner
12 provided herein.

13 3. As used in this act:

14 "circulator" means an individual, whether paid or unpaid, who
15 solicits signatures for a recall petition;

16 "elected official" means any United States Senator or
17 Representative elected from this State or any person holding a
18 State or local government office which, under the State
19 Constitution or by law, is filled by the registered voters of an
20 electoral district at an election, including a person appointed to
21 fill a vacancy in such office, but does not mean an official of a
22 political party;

23 "electoral district" means the district within which the voters
24 reside who are qualified to vote for an elected official who is
25 sought to be recalled;

26 "notice of intention" means the notice filed with the recall
27 election official by a recall committee for the purpose of
28 initiating a recall effort;

29 "recall committee" means a committee formed by persons
30 sponsoring the recall of an elected official which represents the
31 sponsors and signers of a recall petition in matters relating to the
32 recall effort;

33 "recall election" means an election held for the purpose of
34 allowing the voters of an electoral district to decide whether an
35 elected official shall be recalled from office;

36 "recall election official" means the official authorized by law
37 to receive nominating petitions for an elective office;

38 "recall petition" means a petition prepared and circulated by a
39 recall committee for the purpose of gathering a sufficient
40 number of valid signatures of registered voters to cause a recall
41 election to be called; and

42 "sponsors" means the proponents of a recall effort who
43 establish a recall committee.

44 4. a. A United States Senator or Representative or a State or
45 local elected official shall be recalled from office for any reason,

1 after having served one year of a term, upon the affirmative vote
2 of a majority of those voting on the question of recall at a recall
3 election. A person appointed to fill a vacancy in an elective
4 office shall be subject to recall after one year of service in that
5 office.

6 b. The procedures established in this act which trigger a recall
7 election may be commenced after the official sought to be
8 recalled has completed at least 270 days of the first year of a
9 term, or 270 days of the first year of service in the case of an
10 official appointed to fill a vacancy, provided that the recall
11 election itself shall not be held until after the official has
12 completed one year of a term or of service, as appropriate.

13 5. A recall petition demanding the removal of an elected
14 official shall be signed by a number of registered voters of the
15 electoral district of the official sought to be recalled equal to at
16 least 25% of the persons registered to vote in that district on the
17 date the sponsors of the petition file a notice of intention
18 pursuant to section 6 of this act. A recall petition shall be filed
19 with the official authorized by law to receive nominating
20 petitions for the office of the official sought to be recalled,
21 hereinafter the "recall election official." A petition shall
22 demand the recall of not more than one elected official.

23 6. Prior to collecting any signatures, the sponsors of a recall
24 petition shall file a notice of intention with the appropriate recall
25 election official. The notice of intention shall contain the
26 following information:

27 a. the name and office and the business or residence address of
28 the elected official sought to be recalled;

29 b. the name and business or residence address of between five
30 and 15 sponsors of the recall petition who shall constitute a recall
31 committee which shall represent the sponsors and signers of the
32 recall petition in matters relating to the recall effort;

33 c. a statement certified by each member of the recall
34 committee that the member is registered to vote in the electoral
35 district of the official sought to be recalled and that the member
36 supports the recall of the named official and accepts the
37 responsibilities associated with serving on the recall committee;

38 d. a statement as to whether the recall election shall be held
39 at the next general election or at a special election; and

40 e. at the option of the recall committee, a statement, not in
41 excess of 200 words, of the reasons for the recall.

42 7. a. Within three business days of receiving a notice of
43 intention, the recall election official shall review it for
44 compliance with the provisions of this act. If the notice of
45 intention is found to be in compliance, the recall election official
46 shall indicate the official's approval thereof and return the
47 petition to the recall committee. If the recall committee has
48 requested that the recall election shall be held at a special
49 election, the recall election official shall also prepare an
50 estimate of the cost of conducting the recall election which shall
51 be added to the approved notice of intention and printed on each
52 page of the recall petition in the manner provided by section 8 of
53 this act. If the notice of intention is found not to be in
54 compliance, the recall election official shall indicate the reasons

1 for that finding to the recall committee which shall have the
2 opportunity to file a corrected notice of intention.

3 b. Within five business days of receiving approval of a notice
4 of intention, a recall committee shall serve a copy of the
5 approved notice of intention on the official sought to be recalled
6 by personal delivery or certified mail and shall cause a copy
7 thereof to be printed in a newspaper published in the electoral
8 district or, if none exists, in a newspaper generally circulated
9 within the district. A recall committee shall thereafter promptly
10 file a copy of the notice of intention along with an affidavit of
11 the time and manner of service and proof of publication with the
12 recall election official.

13 c. Within five business days of being served with a notice of
14 intention, the official sought to be recalled may file an answer to
15 the proposed recall, not to exceed 200 words, with the recall
16 election official. An official may file an answer regardless of
17 whether or not the notice of intention contained a statement of
18 the reasons for the recall. If the official sought to be recalled
19 chooses to provide an answer, he shall also serve a copy of the
20 answer by personal delivery or certified mail on the recall
21 committee. An answer shall be used solely to provide
22 information to the voters.

23 8. a. A recall petition shall be prepared by the recall election
24 committee pursuant to a format approved for such purpose by the
25 Secretary of State. A petition may consist of any number of
26 separate sections which shall be identical except with respect to
27 information required to be affixed thereto by the signers and
28 circulators and the name of the county in which a section is
29 circulated. Each section shall consist of separate pages. A page
30 shall consist of each side of a sheet of paper on which signatures
31 appear.

32 b. Each page of a recall petition shall bear, in no less than
33 6-point type, a copy of the notice of intention, including the
34 statement of the reasons for the recall if one was provided, and a
35 copy of the answer provided by the official sought to be recalled,
36 if one was provided. If either a statement of the reasons for the
37 recall or an answer was not provided, the petition shall state that
38 fact. If the recall committee has requested in its notice of
39 intention that the recall election shall be held at a special
40 election, the notice of intention printed on each page of the
41 petition shall include the statement of the estimated cost of the
42 special election prepared by the recall election official pursuant
43 to section 7 of this act.

44 c. Each page of a recall petition shall be arranged so that each
45 signer of the petition shall personally affix the signer's signature;
46 printed name and residence address, including street and number,
47 or a designation of residence which is adequate to readily
48 determine location; and the municipality, county and electoral
49 district of residence. A space at least one inch wide shall be left
50 blank after each name for use by the authorized recall official in
51 verifying signatures.

52 d. Whenever the electoral district of the elected official
53 sought to be recalled is situated in more than one county,
54 separate sections of the petition shall be prepared for use by

1 signers registered to vote in each county. A section shall bear in
2 not less than 6-point type the name of the county in which it is to
3 be circulated. A signer shall not affix the signer's signature to a
4 section other than a section bearing the name of the county in
5 which the signer is registered to vote.

6 e. Prior to use, the sections of a recall petition shall be
7 reviewed by the recall election official for compliance with the
8 provisions of this act. No section of a recall petition shall be
9 used to solicit signatures unless it has been so approved.

10 9. Each completed section of a recall petition which is filed
11 with the recall election official shall have attached to it a
12 certification signed by the circulator of that section which sets
13 forth the following:

14 a. the printed name of the circulator;

15 b. the address of the circulator;

16 c. a statement that the circulator circulated that section and
17 saw the appended signatures being written and that, to the best
18 information and belief of the circulator, each signature is the
19 genuine signature of the person whose name it purports to be;

20 d. the dates between which all signatures to that section were
21 collected; and

22 e. a certification, signed by the circulator, as to the truth and
23 correctness of the aforesaid information.

24 10. a. A recall committee shall collect the required number of
25 signatures and file a completed petition with the recall election
26 official within the following time periods calculated from the
27 date that an answer to the notice of intention was received from
28 the official sought to be recalled or, if no answer was filed, from
29 the deadline for such filing as provided in subsection c. of section
30 7 of this act:

31 (1) one year, when a United States Senator or Representative
32 or the Governor is sought to be recalled;

33 (2) 180 days, when a member of the Legislature or an elected
34 official of a county, municipality or school district is sought to be
35 recalled; and

36 (3) 60 days, when any other elected official is sought to be
37 recalled.

38 b. If a completed petition is not filed within the applicable
39 time period, the petition shall be void. No part of a void petition
40 shall be used in connection with any other recall effort.

41 11. All sections of a completed recall petition shall be filed
42 with the recall election official at the same time. When a
43 petition is presented for filing, the recall election official shall
44 determine the total number of signatures affixed thereto and
45 whether the completed petition complies with the other
46 provisions of this act. A petition which contains an insufficient
47 number of signatures or otherwise fails to comply with the
48 provisions of this act shall be void. If the official determines
49 that the petition contains the required number of signatures and
50 otherwise complies with the provisions of this act, the official
51 shall, in conjunction with the superintendents of election or the
52 county boards of elections of the relevant counties, have 45
53 calendar days in which to verify the signatures on the petition if
54 the elected official sought to be recalled is the Governor or a

1 United States Senator and 30 days to verify the signatures on the
2 petition if the elected official sought to be recalled holds any
3 other office.

4 12. The validity of signatures as signatures of a sufficient
5 number of registered voters shall, in the first instance, be
6 verified by random sample. The Secretary of State shall design
7 and promulgate, in accordance with the "Administrative
8 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules
9 establishing a random sampling procedure for use by any recall
10 election official, with rules of decision on the basis of which it
11 may be determined that the number of valid signatures in the
12 sample indicates that the number of valid signatures to all copies
13 of the petitions submitted is sufficient or insufficient. In
14 designing the procedure and decision rules, the Secretary shall
15 employ the theory, assumptions and methods of standard
16 statistical analysis.

17 In performing random sample verification under this section,
18 the recall election official shall randomly select from the total
19 number of signatures filed a 10% sample, which shall be drawn in
20 a manner to insure that every signature shall have an equal
21 chance of being included in the sample. The verification of the
22 validity of signatures shall be performed against county
23 registration records. The recall election official shall then
24 determine the number of valid of signatures in the sample.

25 If the number of sampled signatures determined to be valid
26 indicates, under the rules of decision established as hereinabove
27 provided, that it cannot be statistically determined whether the
28 number of valid signatures to all copies of the petition is either
29 sufficient or insufficient to qualify the petition, the recall
30 election official shall verify all signatures to that petition.

31 13. a. If the recall election official determines that a petition
32 contains the required number of valid signatures and otherwise
33 complies with the provisions of this act, the recall election
34 official shall issue a certificate as to the sufficiency of the
35 petition to the recall committee. A copy of the certificate shall
36 be served by the recall election official on the elected official
37 sought to be recalled by personal service or certified mail. If,
38 within five business days of service of the certification, the
39 official has not resigned from office, the recall election official
40 shall order and fix a date for holding a recall election at the next
41 general election or regular election, as appropriate, to be held
42 not less than 60 days thereafter. However, if the recall
43 committee has indicated in its notice of intention that the recall
44 election shall be held at a special election, the recall election
45 official shall order and fix a date for holding the recall election
46 at a special election to be held not less than 60 days nor more
47 than 90 days thereafter. A vacancy in an elective office
48 resulting from the resignation of an elective official sought to be
49 recalled prior to the expiration of the five-day period shall be
50 filled in the manner provided by law for filling vacancies in that
51 office.

52 b. The certificate issued by the recall election official shall
53 contain:

54 (1) the name and office of the official sought to be recalled;

1 (2) the number of signatures required by law to cause a recall
2 election to be held for that office;

3 (3) the number of valid signatures and the number of invalid
4 signatures on the petition; and

5 (4) a statement to the effect that a valid recall petition having
6 the required number of valid signatures has been filed with the
7 recall election official and that a recall election will be held.

8 c. The recall election official shall cause a copy of the
9 certificate to be printed in a newspaper published in the electoral
10 district of the official sought to be recall or, if none exists, in a
11 newspaper generally circulated in the electoral district.

12 14. A recall election, whether held at a special election or at a
13 general election or regular election, shall be conducted in
14 accordance with the provisions of Title 19 of the Revised
15 Statutes which apply to all elections

16 15. a. Whenever the elected official sought to be recalled is
17 the Governor, the question of whether or not the Governor shall
18 be recalled shall appear on the ballot but no candidates to
19 succeed the Governor in the event the recall is successful shall be
20 listed thereon. A vacancy in the office of Governor resulting
21 from a recall election shall be filled pursuant to N.J. Const. Art.
22 V, Sec. 1 in the same manner as any other vacancy occurring in
23 that office.

24 b. Whenever the elected official sought to be recalled is other
25 than the Governor, candidates to succeed the elected official in
26 the event the recall is successful may be nominated within 30
27 days of the certification of the petition by each political party in
28 the manner prescribed in R.S.19:13-20 for selecting candidates to
29 fill vacancies among candidates and primary elections.
30 Candidates may also be nominated within that time period by
31 petition in a manner similar to that used for direct nomination by
32 petition for a general election. In the case of offices in
33 nonpartisan units of government, nomination shall be by petition.

34 c. The ballot used at a recall election shall pose the following
35 question to the voters: "Shall [insert name of elected official
36 sought to be recalled] be recalled from the office of [insert title
37 of office]?" To the right of the question, the words "Yes" and
38 "No" shall appear and each voter shall indicate the voter's
39 choice of one. A recall election ballot shall also contain the
40 statement of the reasons for the recall prepared by the recall
41 committee and the answer thereto, if any, which appeared on the
42 petition.

43 d. Whenever a successor is to be chosen at a recall election in
44 the event the recall is successful, the ballot shall indicate:
45 "Nominees for successor to [insert name and title of the elected
46 official sought to be recalled] in the event he (or she) is
47 recalled." The names of all persons nominated as successors shall
48 appear immediately thereafter in such manner as will allow each
49 voter to vote for one.

50 16. a. If a majority of votes cast on the question of the recall
51 of an elected official are in the affirmative, the term of office of
52 the elected official shall terminate upon the certification of the
53 election results. Where nominees to succeed the recalled official
54 are voted on at the same election, the successor receiving the

1 greatest number of votes shall succeed to the office of the
2 recalled official upon certification of the election results and
3 shall serve for the remainder of the unexpired term.

4 b. If a majority of votes cast on the question of recall of an
5 elected official are in the negative, the official shall continue in
6 office as if no recall election had been held and the vote for the
7 successor of such officer shall be void.

8 c. An elected official sought to be recalled shall be eligible to
9 be listed as a nominee to succeed himself or herself.

10 d. An elected official sought to be recalled who is not recalled
11 as the result of a recall election shall not again be the subject to
12 recall until after having served one year of a term calculated
13 from the date of the recall election.

14 17. a. Except as provided in subsection c. of this section, a
15 recall committee shall be treated as a candidate committee for
16 the purposes of "The New Jersey Campaign Contributions and
17 Expenditure Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.).

18 b. Except as provided in subsection c. of this section, an
19 elected official sought to be recalled who receives contributions
20 and makes expenditures for the purpose of opposing a recall
21 effort and any nominee to succeed that elected official shall be
22 treated as a candidate for the purposes of "The New Jersey
23 Campaign Contributions and Expenditures Reporting Act,"
24 P.L.1973, c.83 (C.19:44A-1 et seq.).

25 c. The limits on contributions established by 2 U.S.C. 441a
26 shall apply to a federal elected official sought to be recalled, a
27 candidate to succeed such an official and a recall committee
28 seeking to recall a federal elected official.

29 d. A Governor who is sought to be recalled shall not be
30 entitled to public support pursuant to P.L.1974, c.26
31 (C.19:44A-27 et seq.) for the purpose of opposing the recall
32 effort.

33 18. In the event that any part of this act shall be, for any
34 reason, adjudged invalid by a court of competent jurisdiction,
35 such judgment shall not impair the remainder thereof, but shall
36 be confined strictly in its operation to the particular part held to
37 be invalid.

38 19. The provisions of this act shall not apply to the recall of
39 any local elected official in a unit of local government in which
40 the voters, on the effective date of this act, already have the
41 right of recall pursuant to any of the following laws: sections 88
42 through 98 of P.L.1972, c.154 (C.40:41A-88 et seq.); sections
43 17-19 through 17-29 of P.L.1950, c.210 (C.40:69A-168 et seq.);
44 R.S.40:75-25 through R.S.40:75-44; R.S.40:81-6; or R.S.40:84-12
45 through R.S.40:84-19. These laws shall continue in full force and
46 effect, except that where the provisions of any such law is
47 inconsistent with the provisions of subparagraph b. of paragraph 2
48 of Article 2 of the New Jersey Constitution, the minimum
49 criteria established in that subparagraph shall apply to the recall
50 of a local official in a unit of government covered by that law.

51 20. This act shall take effect immediately.

1 SPONSORS' STATEMENT

2
3 This bill would implement the amendment to the State
4 Constitution, approved by the voters on November 2, 1993, which
5 provides that the people of this State shall have the power to
6 recall a United States Senator or Representative elected from
7 this State or any State or local elected official, who has served
8 one year of a term. In order to allow an official the benefit of a
9 reasonable period of time in office without having to defend
10 against a recall effort, and without incurring the
11 expense associated with such defense, none of the steps involved
12 in the recall process could occur until after the official has
13 served for 270 days in office. After that time the procedures
14 which precede a recall election may occur but the actual recall
15 election could not be held until after the official has served one
16 year.

17 The recall process would be commenced by the filing of a
18 notice of intention by the sponsors of the recall effort with the
19 official authorized by law to receive nominating petitions for the
20 office of the official sought to be recalled. The notice of
21 intention would designate between five and 15 sponsors as a
22 recall election committee to represent the sponsors and signers
23 of the recall petition in matters relating to the recall effort. At
24 the option of the recall committee, the notice of intention may
25 contain a statement, not in excess of 200 words, of the reasons
26 for the recall. The notice of intention shall indicate whether the
27 recall committee desires that the recall election shall be
28 conducted at the next general election or regular election, as
29 appropriate, or as a special election. If the committee indicates
30 that the recall election is to be conducted at a special election,
31 the recall election official shall prepare an estimate of the cost
32 of conducting the special election which shall be added to the
33 approved notice of intention. The notice of intention would be
34 served on the official sought to be recalled and printed in at least
35 one newspaper. The official sought to be recalled would have the
36 opportunity to file an answer, not in excess of 200 words, to the
37 proposed recall.

38 A recall committee would be responsible for preparing and
39 circulating a petition. Each page of the petition must include a
40 copy of the notice of intention and the incumbent's answer
41 thereto and, where appropriate, the estimated cost of conducting
42 the recall election as a special election prepared by the recall
43 election official. A petition would have to be signed by at least
44 25% of the registered voters of the incumbent's electoral district
45 in order for a recall election to be called. The bill contains
46 requirements applicable to signers and circulators which are
47 intended to ensure the validity of signatures. A procedure is
48 established for verifying signatures.

49 A recall election would be held at the next general election or
50 regular election, as appropriate, occurring not less than 60 days
51 after the petition is certified. However, if the petition sponsors
52 have requested that the recall election shall be held at a special
53 election, the date for a special election will be fixed not less than
54 60 days nor more than 90 days after certification of the petition.

1 A vacancy in the office of Governor resulting from a recall
2 election would be filled in the same manner provided in the State
3 Constitution for vacancies in that office resulting from other
4 causes. Other offices vacated as the result of a recall election
5 would be filled through the election of a successor at the recall
6 election. The provisions of "The New Jersey Campaign
7 Contributions and Expenditures Reporting Act," P.L.1973, c.83
8 (C.19:44A-1 et seq.) would apply to a recall election, except that
9 the contribution limits established by federal law would apply
10 when a federal elected official is sought to be recalled. Public
11 funding would not be provided in the context of a gubernatorial
12 recall effort.

13 The bill expressly preserves existing laws which currently allow
14 certain counties and municipalities to conduct recall elections
15 but requires these units of government to comply with the
16 minimum criteria concerning recall established in the State
17 Constitution.

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22 The "Recall Election Act"; implements amendment to State
23 Constitution granting to the people the power to recall elected
24 officials.

*Statement attached to Senate Amendments
1st reprint)*

committee shall be used only for (a) the payment of campaign expenses incurred in the course of and directly related to the committee's effort to oppose the recall effort or the passage of the question of recall at the recall election, (b) the payment of the overhead and administrative expenses related to the operation of the committee, or (c) the pro-rata repayment of contributors; and

(2) any nominee to succeed that elected official shall be treated as a candidate for the purposes of "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.).

c. The limits on contributions established by 2 U.S.C. 441a shall apply to a federal elected official sought to be recalled, a candidate to succeed such an official and a recall committee seeking to recall a federal elected official.

d. A Governor who is sought to be recalled shall not be entitled to public support pursuant to P.L.1974, c.26 (C.19:44A-27 et seq.) for the purpose of opposing the recall effort.

¹e. Neither a recall committee nor a recall defense committee shall solicit or accept contributions in connection with a recall effort until after ²either: (1) the recall committee serves written notice of the recall effort on the official sought to be recalled by personal service or certified mail, with a copy thereof filed with the recall election official; or (2) ²a copy of an approved notice of intention is served on the official sought to be recalled as provided in subsection b. of section 7 of this act.¹ ²If a recall committee notifies an official sought to be recalled of its intention to initiate a recall effort by the method described in paragraph (1) of this subsection, it must file a notice of intention within 30 days of the date the notice is served on the official or cease the solicitation, acceptance and expenditure of funds.

f. Contributions to a recall committee by a candidate committee or a joint candidates committee of a candidate who was defeated by the official sought to be recalled at the last election for that office shall be subject to the limits on contributions established by "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.).²

STATEMENT

This amendment: 1) eliminates provisions which specify the size of the paper to be used in a recall petition; 2) increases the time period for circulating a recall petition from 120 days to 180 days in the case of recall of the Governor or a United States Senator and from 60 days to 90 days in the case of any other elected official; 3) provides that a recall election shall not be held after the date occurring 6 months prior to the general

SENATE Amendments to ASSEMBLY COMMITTEE SUBSTITUTE
FOR ASSEMBLY NOS. 25 AND 1207(1R)

Page 8

→ Amend to Section 1112

election in the final year of an official's term; 4) limits the use of contributions by a recall committee to promoting the recall effort, paying overhead and administrative expenses and the pro-rata repayment of contributors; 5) clarifies that a recall defense committee shall be in addition to any candidate committee or joint candidates committee established by an incumbent; 6) clarifies that contributions to a recall committee by a candidate or joint candidates committee of a defeated candidate are subject to the limits on campaign contributions established by law; 7) allows fundraising activities in connection with a recall effort to be conducted for up to 30 days prior to service of the notice of intention on the official sought to be recalled if written notice of the recall effort is served on the targeted official; and 8) provides that when an official transfers funds from a candidate committee or joint candidates committee to the official's recall defense committee that a new election cycle begins with respect to fundraising for the candidate committee or joint candidate committee upon conclusion of the recall.

✓

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*Statement attached to Senate Amendments
(2d reprint)*

without →

REPLACE SECTION 18 TO READ:

18. ³[The following are repealed:] On the effective date of this act,³ sections 88 through 98 of P.L. 1972, c.154 (C.40:41A-88 et seq.); sections 17-19 through 17-29 of P.L.1950, c.210 (C.40:69A-168 et seq.); R.S.40:75-25 through R.S.40:75-44; R.S.40:81-6; and R.S.40:84-12 through R.S.40:84-19 ³shall become inoperative and shall have no force or effect unless a court of competent jurisdiction issues a final order invalidating the provisions of Article I, paragraph 2b, of the New Jersey Constitution, providing for the recall of elected officials, and the provisions of this act which permit the recall of county or municipal officials, in which case the aforesaid laws shall again become operative and shall have full force and effect as of the date of the court's ruling³.

STATEMENT

This amendment: 1) provides that a recall committee shall consist of at least three petition sponsors, instead of between five and 15 sponsors as is currently provided by the bill; 2) requires the recall election official to prepare an estimate of the cost of holding the recall election when the petition sponsors have requested that the recall election be held at a special election; 3) provides that the copy of the notice of intention which is published shall be abbreviated to include information on only three members of the recall committee designated by the committee; 4) provides that the pages of each section of a recall petition shall be sequentially numbered with the first page thereof bearing the contents of the notice of intention, including any cost estimate prepared by the recall election official, except that information on only three members of the recall committee need be reproduced on that first page, and with each subsequent page of a section bearing the name and office of the targeted official and, where appropriate, the name of the county in which the section is to be circulated, lines for signatures and other signer information, and the circulator's declaration at the bottom of the page; 5) provides that a targeted official's answer to a notice of intention will be printed on the first page of each petition section if the recall committee provided a statement of the reasons for the recall and that both the statement of reasons and the answer thereto will appear on a recall election sample ballot but not on the actual ballot; 6) eliminates the routine verification of signatures on a recall petition but provides a procedure for challenging the decision of the recall election official with respect to the validity or invalidity of the petition which includes the use of a random sample method; 7) provides that a recall election which is to be held at a special election shall not be scheduled in proximity to certain major elections (the bill currently prohibits holding a recall election in proximity to any other election); 8) requires a recall committee to report certain information to the Election Law Enforcement Commission (ELEC); 9) authorizes ELEC to require a recall committee and a recall defense committee

to submit additional cumulative reports; 10) provides that instead of being repealed, the existing statutes which provide for recall in certain counties and municipalities would become inoperative and would be of no force or effect unless a court issues a final order invalidating the recall provisions of the State Constitution and the provisions of this bill which allow the recall of county and municipal officials, in which case the inoperative laws would again become operative and 11) allows an elected official (other than the Governor and member of the Legislature) to run to succeed himself at a recall election and provides that a member of the Legislature would be ineligible to be selected to fill the vacancy created by a successful recall effort.

1 waive [cross out one of these alternatives] any right or
 2 standing to object, on grounds based upon the Constitution
 3 or laws of the United States, to the nomination or
 4 maintenance under the "Uniform Recall Election Law" of
 5 an effort to place on the ballot the question whether or
 6 not I shall be recalled from such office to the
 7 performance by any public officer or employee of any
 8 responsibility assigned to that officer or employee under
 9 the "Uniform Recall Election Law" or to the conduct or
 10 the results of any recall election held in accordance with
 11 the "Uniform Recall Election Law". In the event that I
 12 am recalled from the office of [United States Senator or
 13 member of the United States House of Representatives, as
 14 appropriate] at such a recall election, I hereby
 15 resign/decline to resign [cross out one of these
 16 alternatives] that office effective upon certification of
 17 the results of that election."

18
 19
 20 _____
 21 [signature of person nominated by petition]

22 The statement when filed shall be opened under proper
 23 regulations for public inspection in the same manner as the
 24 petition nominating the candidate.]¹

25 ¹[21.] 19.¹ This act shall take effect immediately.

26 *Statement attached to Senate Amendments*
 27 *(3rd Reprint)*
 28
 29

30 The "Uniform Recall Election Law"; implements constitutional
 31 amendment granting the power to recall elected officials to the
 32 people.



ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 25 and 1207

STATE OF NEW JERSEY

DATED: JUNE 9, 1994

The Assembly State Government Committee reports favorably a committee substitute for Assembly, Nos. 25 and 1207.

This bill would implement the amendment to the State Constitution, approved by the voters on November 2, 1993, which provides that the people of this State shall have the power to recall a United States Senator or Representative elected from this State or any State or local elected official, who has served one year of a term. The procedures which trigger a recall election may be commenced not earlier than the 50th day preceding the completion of the first year of a term (one year of service in the case of a person appointed to fill a vacancy) by the official sought to be recalled. However, the recall election itself would not be held until after the official has completed one year of a term or of service, as appropriate.

The recall process would be commenced by the filing of a notice of intention by the sponsors of the recall effort with the official authorized by law to receive nominating petitions for the office of the official sought to be recalled. The petition would designate between five and 15 sponsors as a recall election committee to represent the sponsors and signers of the recall petition in matters relating to the recall effort. At the option of the recall committee, the notice of intention may contain a statement, not in excess of 200 words, of the reasons for the recall. The notice of intention would be served on the official sought to be recalled and printed in at least one newspaper. The official sought to be recalled would have the opportunity to file an answer, not in excess of 200 words, to the proposed recall.

A recall committee would be responsible for preparing and circulating a petition. Each page of the petition must include a copy of the notice of intention and the incumbent's answer thereto. A petition would have to be signed by at least 25% of the registered voters of the jurisdiction from which the incumbent had been elected in order for a recall election to be called. The bill contains requirements applicable to signers and circulators which are intended to ensure the validity of signatures and, in the event that paid circulators are used to solicit signatures to the petition, disclosure of that fact. A procedure is established for verifying signatures.

A recall election would be held at the next general election to be held at least 55 days following the fifth business day after service of the certification or, in the case of an office filled at an election other than the general election, at the next such election to be held in the electoral district at least 55 days following that

fifth business day except that if that next general election or other election will not occur within six months of the certification of the petition, then the recall election shall be held at a special election to be held on the next Tuesday occurring during the period beginning with the 55th day and ending on the 61st day following the fifth business day after service of the certification of the petition or, if that Tuesday falls during the 18-day period before or after a day on which any election is to be held or shall have been held within all or any part of the electoral district, then on the first Tuesday thereafter which does not fall within such an 18-day period. A vacancy in the office of Governor or member of the Legislature resulting from a recall election would be filled in the same manner provided in the State Constitution for vacancies in those offices resulting from other causes. Other offices vacated as the result of a recall election would be filled through the election of a successor at the recall election. The provisions of "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.) would apply to a recall election, except that the contribution limits established by federal law would apply when a federal elected official is sought to be recalled. Public funding would not be provided in the context of a gubernatorial recall effort.

The bill repeals and replaces existing laws which authorize some counties and municipalities to conduct recall elections.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY Nos. 25 and 1207

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 17, 1994

The Senate State Government Committee reports favorably and with committee amendments the Assembly Committee Substitute for Assembly, Nos. 25 and 1207.

This bill would implement the amendment to the State Constitution, approved by the voters on November 2, 1993, which provides that the people of this State shall have the power to recall a United States Senator or Representative elected from this State or any State or local elected official, who has served one year of a term. The procedures which trigger a recall election may be commenced not earlier than the 30th day preceding the completion of the first year of a term (one year of service in the case of a person appointed to fill a vacancy) by the official sought to be recalled. However, the recall election itself would not be held until after the official has completed one year of a term or of service, as appropriate.

The recall process would be commenced by the filing of a notice of intention by the sponsors of the recall effort with the official authorized by law to receive nominating petitions for the office of the official sought to be recalled. The petition would designate between five and 15 sponsors as a recall election committee to represent the sponsors and signers of the recall petition in matters relating to the recall effort. At the option of the recall committee, the notice of intention may contain a statement, not in excess of 200 words, of the reasons for the recall. The sponsors shall determine whether the recall election will be held at the next general election or regular election, as appropriate, or at a special election and a statement to this effect shall be included in the notice of intention. The notice of intention would be served on the official sought to be recalled and printed in at least one newspaper. The official sought to be recalled would have the opportunity to file an answer, not in excess of 200 words, to the proposed recall.

A recall committee would be responsible for preparing and circulating a petition. Each page of the petition must include a copy of the notice of intention and the incumbent's answer thereto. A petition would have to be signed by at least 25% of the registered voters of the jurisdiction from which the incumbent had been elected in order for a recall election to be called. The bill contains requirements applicable to signers and circulators which are intended to ensure the validity of signatures and, in the event that paid circulators are used to solicit signatures to the petition, disclosure of that fact. A procedure is established for verifying signatures.

In the case of an office which is ordinarily filled at the general election, a recall election shall be held at the next general election occurring at least 55 days following the fifth business day after service of the certification, unless it was indicated in the notice of intention that the recall election shall be held at a special election in which case the recall election official shall order and fix a date for holding the recall election at a special election. In the case of an office which is ordinarily filled at an election other than the general election, a recall election shall be held at the next general election or the next regular election for that office occurring at least 55 days following the fifth business day after service of the certification, unless it was indicated in the notice of intention that the recall election shall be held at a special election in which case the recall election official shall order and fix a date for holding the recall election at a special election. Whenever a recall election is to be held at a special election, it shall be scheduled for the next Tuesday occurring during the period beginning with the 55th day and ending on the 61st day following the fifth business day after service of the certification of the petition or, if that Tuesday falls during the 18-day period before or after a day on which any election, including a primary election, is to be held or shall have been held within all or any part of the jurisdiction, then the first Tuesday thereafter which does not fall within such 18-day period. A vacancy in the office of Governor or member of the Legislature resulting from a recall election would be filled in the same manner provided in the State Constitution for vacancies in those offices resulting from other causes. Other offices vacated as the result of a recall election would be filled through the election of a successor at the recall election. The provisions of "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.) would apply to a recall election, except that the contribution limits established by federal law would apply when a federal elected official is sought to be recalled. Public funding would not be provided in the context of a gubernatorial recall effort.

The bill also provides that neither a recall committee nor a recall defense committee shall solicit or accept contributions in connection with a recall effort until after a copy of an approved notice of intention is served on the official sought to be recalled.

The bill repeals and replaces existing laws which authorize some counties and municipalities to conduct recall elections.

COMMITTEE AMENDMENT

The committee amended the committee substitute to:

1) provide that a recall election shall be held at a general election or at a special election if a special election was requested in the notice of intention; in the case of an office which is ordinarily filled at an election other than the general election, a recall election may also be held at the next regular election for that office; a recall election shall not coincide with a primary election;

2) prohibit a recall committee or a recall defense committee from soliciting or accepting contributions in connection with a recall effort until after an approved notice of intention is served on the official sought to be recalled;

3) vest responsibility for promulgating rules and regulations concerning the solicitation of signatures by paid advertisement, paid mailing or by paid circulators in the Election Law Enforcement Commission instead of in the Attorney General; and

4) eliminate provisions requiring a candidate for federal office to complete a statement waiving or refusing to waive the candidate's right under federal law to be free from recall.



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact:

CARL GOLDEN
609-777-2205

TRENTON, N.J. 08625

Release: IMMEDIATE
MAY 1, 1995

Gov. Christie Whitman today recommended that the permissible time period to gather signatures on a petition to recall public officials be extended to 320 days for statewide officeholders and 160 days for all others.

The Governor's recommendation for legislative changes were contained in a conditional veto message delivered to the Assembly today of A-25, sponsored by Speaker Garabed Haytaian, R-Warren.

"The bill's provisions concerning the time period allowed for gathering signatures on a recall petition simply provide too little time for citizen organizations to gather the requisite number of properly obtained signatures from 25 per cent of the registered voters," Whitman said.

The Governor also recommended that the bill be amended to provide that no recall committee or individual may sponsor more than one recall election against the same officeholder in any single term.

The legislation implements the 1993 Constitutional amendment providing a recall mechanism.

A COPY OF THE CONDITIONAL VETO MESSAGE IS ATTACHED

ASSEMBLY COMMITTEE SUBSTITUTE
for
ASSEMBLY BILL NOS. 25 and 1207
(Third Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Committee Substitute for Assembly Bill Nos. 25 and 1207 (Third Reprint) with my recommendations for reconsideration.

A. Summary of the Bill

Assembly Committee Substitute for Assembly Bill Nos. 25 and 1207 (Third Reprint) would implement the 1993 constitutional amendment which reserves the right to remove elected public officials from office unto the people. Among other things, the bill details the process, requirements and campaign finance reporting required for a recall petition drive and a recall election. The bill also details the process for filling vacancies caused by a successful recall effort. Further, the bill renders inoperative all existing recall statutes in favor of the bill's uniform procedure for so long as the uniform procedure remains available for the people to use in the several election jurisdictions in which the people already have statutory authority to demand a recall election.

B. Recommended Action

Only three of the bill's provisions are constitutionally mandated: the provision that makes the sufficiency of the statement of reasons for a recall petition a political rather than a judicial question; the requirement that the officeholder sought to be recalled shall have served for at least one year; and the requirement that before a recall question may be placed

on the ballot, at least 25 percent of registered voters in the election jurisdiction must sign a petition calling for a recall election. The Legislature is not free to change those constitutional requirements in this bill.

While these three provisions are required by the Constitution, the rest of the bill's provisions are not. It is some of these provisions which the Legislature should reconsider and amend in its effort to fully implement the will of the people. I would be remiss, however, if I did not recognize and commend the Legislature, and especially the bill's sponsors, for working throughout the legislative process to constantly improve the bill. Among other things, the amendments have made the bill's requirements concerning petitions and signature gathering less onerous while increasing public disclosure about the costs and financing of a recall effort and maintaining adequate protections from election fraud.

Nonetheless, a key issue that remains is the proper balance between the amount of time allotted for gathering petition signatures and the right of the people to have government operate free from the possible disruption which may be engendered by a recall effort. That balance should be struck in favor of giving petition gatherers more time than is currently authorized under the bill to complete their task. Despite the counterbalancing public policy of avoiding undue and excessive disruption of government, the bill's provisions concerning the time period allowed for gathering signatures on a recall petition simply provide too little time for citizen organizations to gather the requisite number of properly obtained signatures from 25 percent

of the registered voters. Accordingly, the proper balance would fix the number of days allowed for gathering signatures at approximately eleven months for Statewide officeholders and at approximately five and one-half months for all other officeholders. In further consideration of the need to avoid unreasonable disruption of government associated with a recall effort, I am recommending that no recall committee or individual member of a recall committee shall be able to sponsor, and that no recall committee shall be able to finance, more than one recall election against the same officeholder in any single term.

Additionally, I am advised by the Office of the Attorney General that the 18-day periods immediately before and after a regularly scheduled election, during which a recall election may not be held, do not adequately account for existing statutory rights concerning the recount of an election result, and the logistics of transporting and inspecting voting machines before an election. I am advised that, at a minimum, a period of 28 days is required to account for these variables. I am also advised by the Office of the Attorney General that a statutorily authorized recall effort is currently in progress in at least one jurisdiction and that the bill does not make allowances for that and other similar efforts. I therefore recommend that the bill be amended to postpone the effective date of the bill in any jurisdiction in which a recall effort is underway, pursuant to existing statutory law.

Therefore, I herewith return Assembly Committee Substitute for Assembly Bill Nos. 25 and 1207 (Third Reprint) and recommend

that it be amended as follows:

- Page 3, Section 6, Line 14: After "officeholder" insert "and, if a recall effort fails at the ballot, the sponsoring recall committee and the members thereof shall not again sponsor, nor shall the recall committee again finance an effort to recall the targeted officeholder during the same term of office in which the failed recall effort was attempted"
- Page 7, Section 10, Line 39: Delete "180" and insert "320"
- Page 7, Section 10, Line 41: Delete "90" and insert "160"
- Page 10, Section 13, Line 32: Delete "18-day" and insert "28-day"
- Page 10, Section 13, Line 48: Delete "18-day" and insert "28-day"
- Page 17, Section 19, Line 25: After "immediately" insert "except that the provisions of this act rendering existing recall statutes inoperative and of no force and effect shall not apply to any recall effort undertaken pursuant to said statutes if said effort shall have been commenced on or before this Act's effective date. Any such recall efforts shall be completed under the provisions of statutory law under which they were commenced, the provisions of this act to the contrary notwithstanding"

Respectfully,

/s/ Christine Todd Whitman

GOVERNOR

[seal]

Attest:

/s/ Margaret M. Foti

Chief Counsel to the Governor

974.901
661



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
Contact:

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Release: IMMEDIATE
MAY 18, 1995

Gov. Christie Whitman yesterday signed legislation to implement an amendment to the State Constitution giving New Jersey its first statewide procedure to recall elected public officials.

The Governor signed the bill after the Legislature accepted her recommendations for changes, primarily in the time frames allotted to gather the required number of signatures on a recall petition.

Under the legislation, 320 days are allotted to gather signatures to recall an official elected on a statewide basis, and 160 days are allotted for all other public officials elected at the local level.

It provides, further, that no more than one recall effort can be directed at a particular officeholder during any single term.

"This legislation strikes a proper and fair balance between the need to afford citizens groups sufficient time to collect signatures and the need for the subject of the recall to be able to respond to it within a specific time frame," Whitman said.